

# Access to Justice and Legal Empowerment: A Review of World Bank Practice

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This paper reviews the World Bank's existing work in access to justice and suggests directions for further Bank engagement in this area. Access to justice efforts are grouped here into six categories: court reforms, legal aid, information dissemination and education, alternative dispute resolution, public sector accountability, and research. The paper is motivated in part by recent discussions of 'legal empowerment'; a thread of inquiry that runs through the review is: how do World Bank efforts to increase access to justice affect the agency of poor people? The paper concludes with insights and recommendations that emerge from the Bank's experience.

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## INTRODUCTION

The World Bank began its involvement in the judicial sector in the early 1990s. Its initial impetus was the pursuit of stable, efficient regimes of civil legal enforcement in order to enable investment and growth.<sup>1</sup> Economists – and the experi-

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<sup>1</sup> See, for example, Robert Danino (then World Bank General Counsel), 'The Importance of the Rule of Law and Respect for Contractual Rights in Transition Countries', speech delivered to

ences of nations – differ as to which causes which, or which comes first, but there is some consensus that a healthy economy is characterized by effective rule of law, and in particular by an environment in which firms can predictably enforce contracts.<sup>2</sup>

By 2009 the Bank had completed 23 loan projects dedicated exclusively to judicial reform and was administering 14 others. The Bank had also issued some 90 grants focused on legal and judicial reform and conducted some 29 legal and judicial sector assessments.<sup>3</sup>

A large share of this work remains focused on creating legal regimes conducive to investment and growth. A portion of the Bank's efforts in judicial reform has also sought to improve 'access to justice', complementing the aim of growth promotion with a concern for the justice problems of the poor.<sup>4</sup> Narrowly interpreted, access to justice could signify the ability of citizens and communities to make use of courts. Linn Hammergren, formerly of the World Bank Poverty Reduction Group, argues for a broader conception of access:

[T]he right of access, in its amplest sense, does not refer to specific cases and users, but rather to participation in the individual and collective benefits accruing

the European Bank for Reconstruction and Development, 5 December 2003, p. 3. Danino explains that the Bank began work in legal and judicial reform because growth depends on investment, and 'investors need the rule of law.'

<sup>2</sup> See, for example, Douglass North, *Institutions, Institutional Change, and Economic Performance*, 1990, p. 54, where he claims that the absence of a low-cost means of enforcing contracts is 'the most important source of both historical stagnation and contemporary underdevelopment in the Third World'; Rick Messick, 'Judicial Reform and Economic Development: A Survey of the Issues', 14 *World Bank Research Observer*, No. 1 (1999), pp. 124-126, which concludes that, although the specifics of causality are unclear, 'history and comparative analysis support the view that a better judicial system fosters economic growth'; Dani Rodrik, et al., 'Institutions Rule: The Primacy of Institutions Over Geography and Integration in Economic Development', 9 *Journal of Economic Growth*, No. 2 (2004), pp. 131-165, which argues that the quality of institutions is a greater determinant of income level than either trade or geography.

<sup>3</sup> The judicial reform loan projects range in value from \$2.5 million for the Yemen Legal and Judicial Development Project to \$138 million for the Romania Judicial Reform Project. The majority of the grants come from the Institutional Development Fund (IDF); nine of them come from the Japan Social Development Fund (JSDF). The values of these grants range from \$50,000 to \$3,000,000; in total, they are worth over \$46.8 million. Many other kinds of projects, from governance to natural resources to community-driven development to private sector, include justice reform elements. In all, the Bank counts 2,100 justice sector activities within its portfolio. World Bank Legal Department, *Initiatives in Justice Reform*, 2009.

<sup>4</sup> I do not mean to imply that addressing injustices faced by poor people does not itself contribute to growth. To the contrary the work of North, Rodrick, and others cited above suggests the possibility of such a relationship. I am not however aware of direct evidence to the effect. The World Bank's efforts in access to justice are typically justified not as a means to growth, but as advancing the independent developmental ends of equity and inclusion.

from society's provision of the best, and most equitably delivered, justice service it can render.<sup>5</sup>

This paper considers the World Bank's existing work in access to justice and suggests directions for further World Bank engagement in this area. The review is motivated in part by recent discussions in the development community regarding 'legal empowerment', including a United Nations commission on the subject that completed its work in 2008. Legal empowerment is a newer term and its meaning is unsettled. This paper adopts as a working definition the uses of law to bolster human agency. This is a loose paraphrase of the definition offered by Stephen Golub, who was one of the first to use the term.<sup>6</sup> A thread of inquiry that runs through the paper is: how do World Bank efforts to increase 'access to justice' affect the agency of poor people?

The paper relies on three sets of sources: (i) interviews with World Bank staff; (ii) documents from World Bank projects; and (iii) papers and studies written by Bank staff and others. The study is a thematic look at a sampling of access to justice projects rather than an exhaustive survey. The initial pool of projects considered was defined by those that indicate 'access to justice' as a theme in the World Bank database, though this is an imperfect marker and other projects were examined at the recommendation of Bank staff.

The review emphasizes closed projects simply because more evaluative data is available for them. Indeed, conclusions made here are derivative of, and limited by, existing evaluations of Bank work. Because those evaluations are often somewhat superficial – an access to justice component of a judicial reform project often receives just a sentence or two in an Implementation Completion and Results Report (ICR), for example – one of the key recommendations is further evaluative research in this area.

The paper considers five types of World Bank work within the theme of access to justice: court reforms, legal services and legal aid, information dissemination and education, alternative dispute resolution, and public sector accountability. Although research plays a role in all of these areas, it is treated separately as well in the penultimate section. The conclusion brings together insights and recommendations that emerge from within and across these six areas.

<sup>5</sup> Linn Hambergren, *Envisioning Reform*, 2007, p. 289.

<sup>6</sup> The use of legal services and related development activities to increase disadvantaged populations' control over their lives.' Stephen Golub, 'Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative', 41 *Rule of Law Series, Democracy and Rule of Law Project, Carnegie Endowment for International Peace* (2003), p. 15. The UN Commission on Legal Empowerment of the Poor defines legal empowerment as 'a process of systemic change through which the poor and excluded become able to use the law, the legal system, and legal services to protect and advance their rights and interests as citizens and economic actors.' UN Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*, 2008, Vol. 1, p. 3.

## COURT REFORMS

Most stand-alone judicial reform projects include among their aims increases in court efficiency, fairness, and accessibility. These aims are often pursued through the introduction of new case management systems, as in Ecuador, Albania, and Bangladesh. In some cases, like those of Colombia and Argentina, World Bank projects pilot 'model courts' which seek to demonstrate improved approaches with the possibility of subsequent scale-up.

Another common feature of court reform efforts is the construction or renovation of court buildings. Physical changes can have positive effects on accessibility. The ICR for the Armenia Judicial Reform Project finds, for example, that

[P]hysical access to courts was dramatically improved in many communities, providing easy access, dignified atmosphere for court hearing, secure and private areas not only for judges, but also for witnesses and litigants and other court participants. New and renovated court buildings have special areas for publication of special notices and improved and easy procedures for filing cases and submitting other documents.<sup>7</sup>

Among other things, courthouse rehabilitations in Armenia removed the metal cages that were previously used to house criminal defendants. On a scale of 1 to 10, average public perception of the efficiency of the courts in Armenia went from 3.62 in 2000 to 4.37 in 2006.<sup>8</sup>

World Bank judicial reform projects have not, however, consistently addressed how and whether efficiency and accessibility reforms affect poor citizens in particular. As of August 2010, there were 16 closed major judicial reform projects, see Table 1 below (this does not include Institutional Development Fund [IDF] or Japan Social Development Fund [JSDF] projects, which are small scale grants) that list 'access to justice' as a theme. Of those, only five dealt directly with the justice needs of poor people.

The ICR for the Colombia Judicial Conflict Resolution Improvement Project finds that the courts that participated in the project achieved significant efficiency gains, as well as corresponding gains in social legitimacy. The ICR mentions, though, that these gains were primarily enjoyed by companies, who are the main users of civil courts.<sup>9</sup> Under the heading 'Poverty Impacts, Gender Aspects, and Social Development', the ICR states 'Not Applicable'.<sup>10</sup> The Sri Lanka Legal and Judi-

<sup>7</sup> Armenia Judicial Reform Project (P057838, 2000) ICR, page numbers not available.

<sup>8</sup> Ibid.

<sup>9</sup> Colombia Judicial Conflict Resolution Improvement Project (P057369, 2001), ICR, p. 11. This project is not included in Table 1 because it does not specify access to justice as a theme in the World Bank operations database.

<sup>10</sup> Ibid., p. 13.

Table 1. Major closed judicial reform projects listing access to justice as a theme

<i>Project</i>	<i>Close date</i>	<i>Considered justice needs of poor people?</i>
West Bank and Gaza Legal Reform Project	June 1997	No
Peru Judicial Reform Project	Canceled, September 1998	No
Venezuela Supreme Court Modernization	June 2001	No
Venezuela Judicial Infrastructure Project	October 2002	Yes
Ecuador Judicial Reform Project	November 2002	Yes
Yemen Legal and Judicial Development Project	June 2003	No
Kazakhstan Legal Reform Project	October 2003	No
Morocco Legal and Judicial Development	June 2004	No
Argentina Model Court Development Project	August 2005	No
Russian Federation Legal Reform Project	December 2005	No
Georgia Judicial Reform Project	June 2006	No
Armenia Judicial Reform Project	December 2006	No
Sri Lanka Legal and Judicial Reforms Project	February 2007	No
Mongolia Justice Sector Reform Project	June 2008	Yes
Bangladesh Legal and Judicial Capacity Building Project	December 2008	Yes
Peru Justice Services Improvement Project	March 2010	Yes

cial Reforms Project aimed to improve ‘the access, efficiency, quality, and transparency of legal information and dispute resolution.’ It only envisioned, however, an ‘indirect effect on the poor’ by way of boosting private sector investment.<sup>11</sup>

Improving the legal environment for private firms is undoubtedly important. And a better-functioning judiciary benefits all citizens by strengthening the rule of law. But if the intention to widen access to justice is genuine, reforms should also consider the specific justice needs of poor people. The Venezuela Judicial Infrastructure Development Project supported a study, with the help of a Development Marketplace Award, to assess perceptions of the justice system by poor people in Barquisimeto and Barcelona, the two cities where the project planned pilot courts.

The study found that poor people were particularly reluctant to make use of formal justice channels and that they perceived the courts to be biased, corrupt, and inaccessible. Study findings were used to improve citizen information centers inside the court buildings.<sup>12</sup> The Venezuela Project also did not limit its tracking

<sup>11</sup> Sri Lanka Legal and Judicial Reforms Project (P044809, 2000), PAD, p. 9.

<sup>12</sup> Venezuela Judicial Infrastructure Development Project (P008233, 1992), ICR, p. 13.

of efficiency gains to the interests of corporate litigants. The average duration of social benefits disputes, for example, dropped from 785 days to 257 days in Barquisimeto and from 484 days to 229 days in Ciudad Bolivar.<sup>13</sup>

The ICR for the project points out that, though the project's work in modernizing judicial infrastructure was largely successful, those reforms did not address all of the problems of poor Venezuelans highlighted by the study. 'More needs to be done to address directly the justice needs of the Venezuelan citizens, and of the poor in particular, and to develop mechanisms to increase user access and confidence in the courts.'<sup>14</sup>

The Guatemala Judicial Reform Project<sup>15</sup> planned to conduct a study of communities receiving less judicial services 'to assist in the preparation of policies to improve access and quality of justice.' The study was not completed until the last year of the project, however, and so did not inform project implementation.<sup>16</sup> The same project sought to reorganize and strengthen the justice of the peace system, which is the first level of adjudication for rural Guatemalans. The project provided training for justices of the peace and increased their overall number. The ICR found that though the reach of the justice of the peace system had widened, its services gave rise to many complaints and were generally inefficient.<sup>17</sup> The project also provided interpreters to translate court proceedings into indigenous languages. The ICR took note of that provision, but could not judge its impact because of a lack of any evaluative evidence.<sup>18</sup>

The fact that three of the five yeses in Table 1 (see above) are the three projects to close most recently may reflect a trend. Some of the presently active judicial reform projects have also considered the specific problems of poor people in designing court reforms. The Philippines Judicial Reform Support Project, for example, developed a Justice on Wheels program, in which judges operate courts on buses. The mobile courts visit jails, conducting hearings on lagging cases and also providing inmates with free medical and dental services. The Philippines Supreme Court reported that the program facilitated the release of more than 2,500 detainees by the end of 2009.<sup>19</sup>

The buses also visit communities who would otherwise have difficulty accessing courts; they hear small civil cases, provide court-annexed mediation, and con-

<sup>13</sup> Ibid., p. 9.

<sup>14</sup> Ibid., p. 10.

<sup>15</sup> This project is not included in Table 1 because it does not specify access to justice as a theme in the World Bank operations database.

<sup>16</sup> Guatemala Judicial Reform Project (P047039, 1998), ICR, p. 54.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., p. 27.

<sup>19</sup> Jay Rempillo, 'SC Procures Three More EJOW Buses', *Court News Flash*, 4 January 2010.

duct public legal education sessions. The program has extended to all three regions, and carries an important symbolic message: that the judiciary will come to the people. But at this point its eight buses are able to reach a small proportion of the country. Task team leader Amitabha Mukherjee holds that the model is cost effective, and could plausibly be extended nationwide.

Lessons from the Bank's broader experience in court reform apply to reforms directed specifically at access for poor people. Reform design must be attentive to the particularities of context. More efficient case management, mobile courts, and more justices of the peace may all be genuinely access-enhancing interventions, but their appropriateness in any given instance depends on the circumstances of a particular place and time.<sup>20</sup> Moreover, as the Guatemala ICR indicates, increased access to courts does not necessarily translate into increased access to justice 'in its amplest sense'. On Hammergren's broad definition, one must consider both the efficacy and the equity of a nation's justice service system as a whole.

## LEGAL AID AND LEGAL SERVICES

A second avenue for improving access to justice is the provision of legal services to poor people. The Ecuador Judicial Reform Project was the first large judicial reform project to incorporate legal services; it established a Special Fund for Law and Justice which supported, among other things, two NGOs to deliver free legal aid to some 20,000 poor women in three cities.<sup>21</sup>

An assessment found impressive rates of case resolution, despite formidable structural challenges: slow and excessively formal judicial procedures, corruption and sexism in the administration of justice, and levels of poverty that made it difficult for women to access even free services.<sup>22</sup> Of 748 civil court cases in Quito, 623 (83 percent) were resolved within two years.<sup>23</sup> Issues of child support and domestic violence dominated the docket, though the author of the assessment suggests that this may be due in part to women's lack of confidence in raising other legal claims.<sup>24</sup>

<sup>20</sup> See, for example, Julio Faundez, *The World Bank Justice Reform Portfolio: A Preliminary Stocktaking*, 2005, p. 5 (unpublished, on file with the author). 'While in the past there was a tendency excessively to rely on the importation of foreign laws and institutions, today there is greater awareness that 'one size does not fit all.'

<sup>21</sup> Ecuador Judicial Reform Project (P036056, 1996), ICR, p. 12. The Rodriguez study states there were 17,000 legal aid beneficiaries rather than 20,000.

<sup>22</sup> Marcela Rodriguez, *Empowering Women: An Assessment of Legal Aid Under Ecuador's Judicial Reform Project*, 2000.

<sup>23</sup> *Ibid.*, p. 12.

<sup>24</sup> *Ibid.*, p. 30.

In an attempt to treat the whole person rather than just a narrow legal need, legal representation in civil cases was combined with psychological and medical services, referrals to battered women's shelters, and legal advice for victims of crime.<sup>25</sup> A later study found that legal aid clients seeking child support were 20 percent more likely to receive an award than similarly situated women without access to legal aid. Clients were also 17 percent less likely than non-clients to experience physical violence after separation from their partners.<sup>26</sup>

After the conclusion of the Ecuador Judicial Reform Project, a JSDF grant was approved in Ecuador that focused on access to justice, the Law and Justice for the Poor Project. One project component involved partnering with bar associations in two cities to train 150 lawyers to work as legal assistance providers. The Ministry of Education agreed to recognize the 240-hour training program as a professional credential. In exchange for this training, the lawyers agreed to provide free legal services to indigent clients in two legal assistance centers established under the project. (The legal services themselves were outside of the project mandate, in part because of the Bank's restrictive view of criminal justice activity at the time).<sup>27</sup>

A consultant evaluation of this component found it to be a 'startling success'.<sup>28</sup> The evaluation credited the positive results in part to the fact that the intervention grew out of genuine initiative from the Ecuadoran bar associations. The evaluation noted that project activities contributed to the development of a culture of public interest lawyering in Ecuador.<sup>29</sup>

The Justice Services Improvement Project in Peru supported legal aid centers and dissemination of information about the centers' services. A successor project under preparation in 2010 plans to support an additional 24 such centers.<sup>30</sup>

The World Bank has also supported legal aid in Africa, largely through IDF and JSDF grants. An IDF grant in Tanzania, for example, assisted the Tanzanian Women Lawyers' Association to strengthen an existing urban legal aid center in Dar es Salaam and open an additional one in Arusha. IDF grants in Ghana and Nigeria sought to strengthen the capacity of their respective ministries of justice to enforce equal rights for women, and also to expand the provision of legal aid to women clients. Active JSDF grants are supporting legal aid in Mali and Mauritania.

<sup>25</sup> Ibid., p. 13.

<sup>26</sup> World Bank Legal Vice Presidency, *Impact of Legal Aid: Ecuador* 2003, pp. 25-29, 37-40. Analysis controlled for possible confounding factors.

<sup>27</sup> The World Bank has historically refrained from involvement in criminal justice, but as of late 2008 was developing a new, more permissive policy.

<sup>28</sup> Bennett Brummer, *Evaluation of Ecuador: Law and Justice for the Poor, Public Defense Services Sub-component*, 2006, p. 6.

<sup>29</sup> Ibid., p. 7.

<sup>30</sup> Peru Justice Services Improvement Project II (P110752, 2010), PAD, p. 15.



The World Bank has experimented with paralegal approaches in addition to lawyer-centered legal aid. A JDSF grant supported a community-based paralegal program in Sierra Leone, Timap for Justice.<sup>31</sup> (I co-founded and co-directed Timap for Justice from 2003 to 2007). Timap paralegals employ a flexible set of tools – advocacy, education, mediation, organizing – to assist poor Sierra Leoneans in seeking solutions to justice problems. Timap’s caseload ranges from individual-level breaches of rights, like the beating of a woman by her husband or the wrongful detention of a juvenile, to community-level problems, like a mining company damaging the land of 60 farmers without paying compensation or a village seeking to improve its sanitation system.

The program is directed by two lawyers who train, supervise, and support the paralegals in their work. The directors engage in litigation and high-level advocacy sparingly and strategically to address particularly severe cases and cases which pose the possibility of legal impact. Because litigation or even the threat of litigation carries significant weight in Sierra Leone, Timap’s ability to litigate adds strength to the ongoing work of its paralegals as advocates and mediators.<sup>32</sup>

A World Bank evaluation of Timap, in which researchers selected 42 cases from Timap’s docket and interviewed all parties involved, reported that respondents were ‘overwhelmingly positive’ about their experiences with Timap. Respondents ‘praised Timap’s effectiveness in resolving difficult disputes, particularly those that confront institutions or power relationships.’ The report found ‘strong evidence that Timap’s interventions were indeed empowering their clients, the paralegals themselves, and the community as a whole to claim their rights and pursue cases that had previously stagnated.’<sup>33</sup>

Paralegals also play a central role in the Justice for the Poor Program in Indonesia. That program began with an analysis of the dynamics of rural justice, in particular of instances in which poor people succeeded in defending their interests despite an unfavorable institutional environment.<sup>34</sup> Based on the findings of that study, the program began to experiment with operational pilots in 2005. Its ultimate objective is to support ‘poor Indonesian communities to obtain fair and

<sup>31</sup> ‘Timap’ means ‘stand up’ in Sierra Leonean Krio.

<sup>32</sup> I describe Timap’s methodology in detail in Vivek Maru, ‘Between law and society: Paralegals and the provision of justice services in Sierra Leone and worldwide’, 31 *Yale Journal of International Law* (2006), pp. 427-476.

<sup>33</sup> Pamela Dale, *Delivering Justice to Sierra Leone’s Poor: An Analysis of the Work of Timap for Justice*, World Bank Justice for the Poor Research Report 2009, p. iv, p. 33). The report also offers recommendations on how Timap could improve. It suggests, among other things, that Timap publicize more widely the availability of its services, for example through radio programming, and that staff explain more thoroughly to clients the methods by which cases are handled. *Ibid.*, p. v, pp. 46-47.

<sup>34</sup> Andrea Woodhouse, *Village Justice in Indonesia: Case Studies on Access to Justice, Village Democracy and Governance*, 2004.

effective dispute resolution through a time-efficient, unbiased, and humane procedure.<sup>35</sup> Starting in 2006 Justice for the Poor grew into a global program that aims to improve the way the World Bank and its clients addresses justice and conflict; I will discuss below the work of other Justice for the Poor teams in Cambodia and Sierra Leone.

Drawing on its pilot work, Justice for the Poor Indonesia developed a tiered model for access to justice. See Figure 1 below.

Figure 1. Justice for the Poor Indonesia, access to justice model



Source: World Bank, 'Legal Reform at the Sub-National Level', Justice for the Poor Indonesia Program, Draft Strategy Paper 2006-2009, 5.

Paralegals under this model are volunteers at the village level who are trained in basic legal rights and processes. This is in contrast to Timap paralegals, who are paid staff and who serve at chiefdom rather than village level. Timap paralegal offices may be more akin to community legal aid posts in the Justice for the Poor Indonesia model, where 'communities access legal information, learn how to assert their rights, and how to organize and mobilize community action to demand justice.'<sup>36</sup> Legal aid at the district level allows citizens to engage the formal legal system when necessary, and provincial-level organizations undertake advocacy at a higher political level for problems that require it.

<sup>35</sup> World Bank, *Legal Reform at the Subnational Level: Justice for the Poor Indonesia Draft Strategy Paper 2006-2009*, 2006, p. 5.

<sup>36</sup> *Ibid.*, p. 12.

The Timap and Justice for the Poor Indonesia methodologies differ from a conventional approach to legal aid in significant ways. First, whereas conventional legal aid tends to envisage a legal expert providing technical assistance to a needy client, both these programs place significant emphasis on cultivating the agency of the people with whom they work. Empowerment techniques include working with and strengthening community organizations, organizing collective action to address justice problems, and engaging in community education and community dialogue on justice issues.

Second, while legal aid provided by lawyers typically focuses exclusively on formal, modern legal institutions, both Timap paralegals and those supported by Justice for the Poor Indonesia straddle plural legal systems, engaging traditional, religious, and formal institutions depending on the needs of a given case. The use of paralegals may be attractive, then, not only for cost advantages but also for paralegals' ability to pursue empowerment and their flexibility in adapting to plural legal orders.<sup>37</sup>

Worldwide, legal aid faces a challenge of scale. Legal services for the poor are typically available inconsistently and *ad hoc*, depending on the presence and distribution of NGOs and the availability of funding. From the outset, Justice for the Poor Indonesia's experimentation with pilot programs has sought to answer the question of how best to provide access to justice nationwide. Indonesia's National Development Planning Agency incorporated the model outlined in Figure 1, with some modification, into a national access to justice strategy launched in November 2009.<sup>38</sup> Matthew Stephens, former coordinator of Justice for the Poor Indonesia, argues that in the context of Indonesia at least, the World Bank's comparative advantage is in building a bridge between civil society innovation and national-level policy.

In Sierra Leone, Justice for the Poor is providing technical assistance to the development of a national approach to justice services, in partnership with Timap for Justice, the Government of Sierra Leone, Open Society Institute, and other donors. The effort includes: 1) developing a training institute to equip organizations to provide paralegal services; 2) passing legislation to establish a legal aid framework and to recognize the role paralegals play, and 3) developing a mechanism for quality control and evaluation. Arguably, a frontline of community paralegals supported by a much smaller corps of public interest lawyers, along Timap's

<sup>37</sup> I describe Timap's synthetic orientation toward Sierra Leone's dualist legal structure in 'Between Law and Society', at pp. 460-463. See also Dale, *Delivering Justice to Sierra Leone's Poor*, pp. 20-25. 'Timap makes use of local, national, and international customs and laws ... as a non-formal justice institution, it is uniquely placed to do this', p. 21.

<sup>38</sup> See Badan Perencanaan dan Pembangunan Nasional and UNDP, *National Strategy on Access to Justice*, November 2009.

model, offers an approach that is both well-tailored to Sierra Leone's context and sustainable at scale.

The challenge of scaling up legal services raises another difficulty: the relationship between legal services and the state. If legal services play a purely technical function within formal judicial process, and especially if they are representing individuals in private disputes, they do not pose a threat to state authority. When legal services are involved in community mobilization and broader empowerment, however, or when they regularly seek to hold state actors accountable, governments may look upon them less kindly. For this reason, *Timap for Justice* in Sierra Leone holds that it cannot function without independence from the government. Where democracy is not strong enough to embrace its critics, the Bank might consider expanding its support to independent, civil society legal empowerment efforts through recipient-executed grants.

Linn Hammergren cautions that it is outside of the Bank's mandate to support mobilizational work of a political nature and that extensive involvement in this area could create problems for the Bank's relationships with its clients. Caroline Sage of the Bank's Justice Reform Group is less wary. She points out that all development is about relationships of power and resources, and therefore innately political. Sage acknowledges that aspects of *Justice for the Poor's* legal empowerment activities in Indonesia may not always sit easily with the national government, in that they often support poor people in challenging existing hierarchies of power.

But she argues that 'strategic engagement with broader development processes and evidence-based dialogue about the value of more broad-based, equitable reforms' can lead to state support. *Justice for the Poor Indonesia* is presently mainstreaming its access to justice model by incorporating it into large community-driven development projects. At least for now, the Indonesian government appears willing to accept legal empowerment if it is adequately integrated into wider development programming.

What happens when the support of the World Bank and other donors tapers off, or turns to other sectors? All work in legal services faces a worry about sustainability. Like services in health and education, legal services require continued investment. The potential for legal services to challenge governments and hold them accountable may make the prospect of state funding for legal aid comparatively more tenuous. Some countries, like South Africa, have established legal aid boards that receive state money but that are relatively insulated from political interference. The World Bank might explore working with governments to develop such structures, and to establish state recognition for providers of legal aid. But where such arrangements are less tenable, the forms of legal aid that do challenge the state may always depend – as does much of civil society – on independent sources of funding.

## AWARENESS BUILDING AND PUBLIC EDUCATION

If a citizen is to engage state institutions from a position of agency rather than submission, she requires knowledge of those institutions and of the rules by which they are governed. Several judicial reform projects have accordingly included small components dedicated to public education. The Armenia Judicial Reform Project, for example, produced a television program, *My Right*, focused on legal awareness. The program topped Armenian public television ratings two years in a row and received a positive assessment from the project ICR.<sup>39</sup> The show was accompanied by a website that provided legal information and an opportunity to pose questions to legal experts from the Ministry of Justice.

The Georgia Judicial Reform Project supported the Association for Legal and Public Education (ALPE) to undertake education and media campaigns. ALPE's public service announcements were found to have a strong impact, 'in particular, one concerning the right to protest, which was aired at a critical juncture during the Rose Revolution, and another concerning the right to counsel.'<sup>40</sup> The Peru Justice Services Improvement Project supported, among other things, public legal education in indigenous languages and dialogue between formal justice sector institutions and civil society.<sup>41</sup>

IDF grants have also been employed to raise awareness of specific justice issues. An IDF project in Ghana on gender reform, for example, supported NGOs to offer popular education on the legal status of women.<sup>42</sup> An IDF grant in Chile focused on the effective implementation of new juvenile justice legislation. The project engaged media and civil society organizations in a coordinated communication strategy to raise public awareness of the law. The strategy included educational materials targeted to youth, such as comic books and video games. The project also provided technical assistance to enhance the youth outreach programs of the Public Defender's Office.<sup>43</sup>

In Cambodia, the Justice for the Poor Program has supported training on media law and freedom of expression at the Cambodian Communications Institute (part of the Department of Media and Communications, Royal University of Phnom Penh). The program has supported students at the Cambodian Communications Institute to produce radio documentaries on issues related to law – one set on land disputes and a second set on the Khmer Rouge trials.

<sup>39</sup> Armenia Judicial Reform Project (P057838, 2000), ICR.

<sup>40</sup> Georgia Judicial Reform Project (P057813, 1999), ICR, p. 16.

<sup>41</sup> Peru Justice Services Improvement Project (P110752, 2009), PAD, p. 18.

<sup>42</sup> Legal Reform and Legal Aid for the Advancement of Women (P080320, 2002), IDF Proposal for Ghana, p. 10.

<sup>43</sup> Institutional Strengthening for Juvenile Justice in Chile (P100831, 2005), IDF Proposal for Chile.

In Indonesia, the Women's Legal Empowerment Program includes a multi-stakeholder forum at the district level. This forum brings representatives from the police, prosecutors, and general and religious courts together with local NGOs and women's paralegal groups. The forum provides a space for dialogue on women's legal rights and delivers legal training to female paralegals.

The literature and project experience in this category of activity suggest three observations. First, the design of public education initiatives should be informed by existing, context-specific barriers to knowledge dissemination. The Peru project's emphasis on indigenous languages is a response to its particular linguistic landscape, then, and the *My Right* show would likely be broadcast on radio rather than television if it were to be aired in, say, West Africa rather than Armenia.

Second, the impact of education efforts is heightened when education is connected to concrete problems facing poor people, and to opportunities for citizen action. Community paralegals – key participants in the stakeholder forums in Indonesia, for example – can be particularly effective educators for this reason.<sup>44</sup> Third, there is a need to complement affirmative information dissemination with guarantees that government information is available on demand. Some of the information most important for poor people's power will never be featured in a state-sponsored *My Right* show. Freedom of information legislation, legal protection of independent media, and support for civil society monitor groups are all potentially useful interventions in this regard.<sup>45</sup>

## MEDIATION AND OTHER LESS FORMAL MEANS OF DISPUTE RESOLUTION

A fourth approach to promoting access to justice is the development of institutions for the resolution of disputes outside of courts and formal legal process. This category overlaps with those of court reforms and legal services; mobile courts in the Philippines, justices of the peace in Guatemala, and paralegals in Indonesia and Sierra Leone all engage in mediation of some kind.

The Ecuador Judicial Reform Project piloted court-annexed mediation centers in three different cities. Trained mediators in the three centers received 417 cases and reached agreements in 136 of those cases. In 2002, the National Judicial Council decided to adopt the centers and finance their operating costs. The ICR considered the centers to be low in cost (\$8,000 per month)<sup>46</sup> and an independent audit

<sup>44</sup> See, for example, Woodhouse, *Village Justice in Indonesia*, p. 68: "The existing literature suggests that interventions focusing on education and training are likely to fail unless linked to cases that appeal to villagers' self-interest. ... Legal empowerment efforts should therefore target concrete cases and use them as opportunities for integrated activities."

<sup>45</sup> See *World Development Report 2004: Making Services Work for Poor People* 2004, ch. 5, for a discussion of information strategies and citizen voice.

<sup>46</sup> All figures in US dollars unless otherwise noted.

by the Ecuadoran Controller General's Office found them to be high in quality. The ICR notes, however, that many professionals within the judiciary see the mediation centers as competitors of the courts; the ICR therefore encourages continued education on 'the merits of Alternative Dispute Resolution [ADR].'<sup>47</sup> Of course, it is possible that the ADR centers are both worthwhile *and* competitors to the courts.

Like court reforms in Colombia or Sri Lanka, the Ecuador ADR centers were not evaluated for the extent to which they serve poor people. The ICR makes no mention of the make up of the parties availing of mediation services. It would be useful to consider the needs of poor people at both the planning and evaluation stages of ADR programs.

Under the Law and Justice for the Poor Project, the JSDF grant that followed the Judicial Reform Project in Ecuador, 12 additional mediation centers were established that were not annexed to courts. In these centers, existing staff members of municipalities and, in two areas, NGOs working with indigenous people, were given a 100-hour training course in the theory and practice of mediation. A consultant evaluation judged these efforts to be highly sustainable because of the strong commitment of the host institutions and because the mediation service is provided by already-existing employees.<sup>48</sup> At some point, however, the new mediation work might conflict with these employees' prior duties. At the time of the evaluation, the centers were exploring sliding fee-for-service arrangements that might generate financial support for their services without compromising the goal of serving poor and marginalized citizens.<sup>49</sup>

The evaluation praised the services provided under the project for their respect for other existing methods of dispute resolution and their willingness to adapt mediation techniques to the particularities of local context. Standard rules of confidentiality, for example, were made more flexible in small communities in which most conflicts are public and the mediators and parties are known to each other. The evaluation recommended additional training on mediating criminal disputes, given the public interest inherent in criminal law. The evaluation also recommended the creation of a system for collecting user feedback so that the centers can better track the quality of services rendered.<sup>50</sup>

Voluntary dispute resolution has three potential advantages: it may be less expensive, less slow, and less acrimonious. None of these should be assumed, however. It is difficult, for example, to evaluate the claim in the Ecuador Judicial Project ICR that the centers were inexpensive without a point of comparison. The 136

<sup>47</sup> Ecuador Judicial Reform Project (P036056, 1996), ICR, pp. 20-21.

<sup>48</sup> Dawn Martin, *Evaluation of Alternative Dispute Resolution Services Component*, 2006.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

cases were resolved during a seven-month period; at the cost of \$8,000 per month per center for three centers, that amounts to more than \$1,200 per case resolved.

Even if the benefits of cost, time, and harmony do obtain, the empowerment perspective begs another question: are the outcomes fair for the less powerful party? It is important that mediation, which is supposed to be voluntary, not be strengthened and encouraged so much that it becomes a barrier to accessing justice in itself. For all their flaws, courts are intended to be that rare platform where a contest between two parties can take place on equal terms.<sup>51</sup>

Of course, that ideal is often a distant fiction in the courts that actually inhabit the earth. For this reason, Justice for the Poor is interested in engaging spaces of contestation that are incrementally more equitable than those of the *status quo*, even when in the long run such institutions cannot substitute for a fair and functioning judiciary. The Cambodia Justice for the Poor program has produced studies on land disputes relating to a newly established land tribunal, on an NGO initiative to support the dispute resolution work of commune councils, and on the Cambodian Arbitration Labor Council, a non-binding mechanism for resolving industrial labor disputes.

The studies argue that both the land tribunal and the Arbitration Labor Council occupy a fertile middle ground between law and *realpolitik*. On one hand, the Labor Council and the Cadastral Commission are far enough from the formal legal system to escape the dictates of patrimonialism and outright elite capture. On the other hand, the institutions add structure and the timbre of legality to social contestation – between landowners and between unions and employers – which otherwise often devolves into violence and the rule of the strong.<sup>52</sup>

In Cambodia and elsewhere, Justice for the Poor hopes to experiment further with the development of incrementally more equitable spaces in which disputes can take place.

## PUBLIC SECTOR ACCOUNTABILITY

Despite the World Bank's increasing emphasis on ensuring the delivery of quality services to the poor – see, for example, *World Development Report 2004: Making*

<sup>51</sup> See, for example, Deborah R. Hensler, 'Our Courts, Ourselves: How the Alternative Dispute Resolution Movement Is Reshaping Our Legal System', 108 *Penn State Law Review* (2003), pp. 165, 176 and Marc Galanter and Jayanth K. Krishnan, 'Bread for the Poor: Access to Justice and the Rights of the Needy in India', 55 *Hastings Law Journal* (2004), p. 789 (finding alternative dispute resolution mechanisms to bully, and insufficiently protect the rights of, poor participants).

<sup>52</sup> See Caroline Sage, et al., 'Interim Institutions and the Development Process: Law and the Creation of Spaces for Reform in Cambodia and Indonesia', paper presented at the annual meeting of The Law and Society Association, Berlin, Germany (2007).



*Services Work for the Poor* – very little World Bank work explores legal approaches to holding public agencies and services accountable to citizens.

In many contexts, a recognized legal identity is a prerequisite for receiving state services, including health, education, and pensions. A legal identity is also often necessary for participation in the formal economy. The World Bank gave a small Development Marketplace grant in 2000 to the Egyptian Center for Women's Rights to raise awareness of the millions of poor Egyptian women who are not registered as citizens and to highlight the procedural difficulties of obtaining ID cards and birth certificates. In the future, the Center for Women's Rights plans to train NGOs to assist such women to register.

Nora Dudwick of the Bank's Poverty Reduction Group suggests analytic work on populations that lack legal identity. What are the determinants of non-registration, and what are its effects? Operationally, she posits that existing World Bank efforts on informality, including land registration, formalization of labor markets, and regulation of trade and transportation, could all usefully consider interventions that address the problem of citizen non-registration. Early childhood health and education programs could also better incorporate registration mechanisms, and statistics agencies could couple census taking with active registration of citizens.

Dudwick recognizes that in some cases, registration can be dangerous – for persecuted minorities, for example – and that lack of registration sometimes stems not from technocratic failure, but from intentional political exclusion. These complexities underscore the need for more analytic work on this topic.

For those who do possess a legal identity, one way to hold the state and its agencies accountable for public services is through use of the formal courts. Some law scholars and human rights organizations have held that spheres like health and education are matters of political process, not rights.<sup>53</sup> But the empirical work of Gauri, et al. on courts in South Africa, Nigeria, Brazil, Indonesia, and India found substantial litigation on health and education rights in each of those countries, from a few dozen cases in Nigeria to several hundred in India to thousands in Brazil.<sup>54</sup>

Gauri and Brinks emphasize that 'courts are most engaged and most effective when they act in dialogue with political, bureaucratic, and civil society actors.'<sup>55</sup>

<sup>53</sup> Aryeh Neier argues that the notion of positive social and economic rights risks diminishing the weight and universality attributed to core negative liberties and meddles with democratic process. 'Rejection of the idea of economic and social rights reflects a commitment to democracy not only for its own sake but also because it is preferable in substance to what we can expect from platonic guardians.' Aryeh Neier, *Taking Liberties*, 2003, p. xxxi.

<sup>54</sup> Varun Gauri and Daniel Brinks (eds.), *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World*, 2008, pp. 30-32.

<sup>55</sup> *Ibid.*, p. 306.

The authors do not venture recommendations relating to World Bank operations. But it may be worth exploring whether Bank judicial reform projects can strengthen the capacity of courts to rule on matters related to basic services, and in turn whether Bank projects in sectors like health and education can strengthen the capacity of administrative agencies to respond to and comply with court judgments. Gauri and Brinks' research may also bolster the argument for devoting resources to legal aid, in particular legal aid that assists poor people to pursue judicial accountability for social and economic entitlements.

In addition to litigation, another possible method for increasing public sector accountability – one that may have even more programmatic traction within the Bank – is to expand the power of local government and to improve the mechanisms by which local governments are made responsive to their constituencies. Legal services can play a role in the Bank's efforts to support decentralization. The Local Self-Governance and Civic Engagement in Rural Russia Project provided for legal advice to local governments on the implementation of new Russian decentralization legislation. The Task Team Leader on the project concluded that, despite the difficulty of staffing lawyers in rural Russia, these legal services were worthy of continued investment. In this case, legal guidance allowed local institutions of self-governance to take full advantage of the possibilities created by federal legislation.

There is a host of other institutional possibilities for improving public sector accountability, including ombudsman's offices, administrative tribunals, and public ministries. Linn Hambergren has suggested greater use of such mechanisms in Peru and Brazil.

This field may offer another opportunity to connect legal empowerment to broader development interventions. Projects that seek to reform any government function affecting ordinary people – including social services like health and education, as well as the regulation of industries like mining, transport, and manufacturing – could consider establishing or improving administrative mechanisms for citizen complaints and citizen enforcement. These are exactly the kinds of spaces for dispute resolution that have been the focus of the Justice for the Poor Cambodia team.

In some instances it may also be useful to support independent legal services organizations that can breathe the life of legitimate claims into new or revived bodies. In a country where exploitative mining is a concern, for example, a mining sector reform project might introduce a complaints board for handling disputes between mining companies and communities. The project might also support a community paralegal program operating in the mining areas that could assist communities in lodging complaints with the newly established board.

Social accountability' refers to strategies developed in the last two decades that employ information and participation to demand fairer, more effective public ser-

VICES. Social audits, for example, allow community members to compare their experience of local government outputs against recorded expenditures. Another intervention, the community scorecard, involves aggregating data on the performance of service facilities like schools and health clinics. The scorecards provide a basis for dialogue between community members and facility staff; the dialogue in turn leads to action plans for closing the gap between policy and practice. Both social audits and community scorecards have achieved substantial, life-saving improvements in service delivery at the local level.<sup>56</sup> World Bank projects to support public services have increasingly included social accountability components.<sup>57</sup>

Law is strikingly absent in the social accountability literature,<sup>58</sup> and the legal empowerment and access to justice literature in turn makes no mention of the recent experimentation in social accountability. Social accountability interventions tend to focus exclusively on the nexus between community and service provider, while legal empowerment programs specialize in seeking redress from the wider network of state authority. Legal empowerment programs, for their part, often under-emphasize injustices related to essential public services such as health and education, perhaps in part because they tend to wait for communities and individuals to raise problems. Social accountability methods, in contrast, employ aggregate data on service delivery to catalyze community action. I have therefore argued for a strategic blend of the two approaches,<sup>59</sup> and the World Bank's Netherlands Human Rights Trust Fund is supporting an experiment to explore that synergy in practice in Sierra Leone and Nigeria.

<sup>56</sup> See, for example, M. Bjorkman and J. Svensson, 'Power to the people: Evidence from a randomized experiment on community-based monitoring in Uganda', 124/2 *Quarterly Journal of Economics* (2009), pp. 735-769. Bjorkman and Svensson ran a randomized controlled trial to evaluate a community score card intervention involving primary health clinics. They found remarkable results: when compared with facilities in the control group, the treatment facilities experienced 19 per cent less nurse absenteeism, 7-10 percent higher immunization rates, a 16 percent higher rate of facility utilization, and a stunning 33 percent drop in child mortality. See also World Bank, *From Shouting to Counting: A New Frontier in Social Development*, 2004.

<sup>57</sup> Examples include the Protecting Basic Services Project in Ethiopia and the Decentralized Services Project in Sierra Leone.

<sup>58</sup> The one exception of which I am aware is John Ackerman, 'Human Rights and Social Accountability', World Bank Social Development Paper No. 86, May 2005. Ackerman points out that social accountability interventions 'constitute a step towards fulfilling a rights-based approach to development', and argues for greater integration between social accountability and rights-based approaches in the future. This essay builds on Ackerman's suggestion. Ackerman treats both social accountability and the rights based approach as broad orientations towards development (and as possible frameworks for the World Bank); I focus here in particular on grassroots, civil society interventions to ensure social accountability and to provide what I refer to as legal empowerment or justice services.

<sup>59</sup> See Vivek Maru, 'Allies Unknown: Social Accountability and Legal Empowerment', 12 *Journal of Health and Human Rights* (2010), No. 1, pp. 83-93.

## RESEARCH AND ANALYTIC WORK

All the experts interviewed for this paper emphasized the need for more rigorous research. Research is necessary for generating an overall theory of access to justice efforts, for informing program design and policy, and for measuring impact.

In Mauritania and Benin, IDF grants aimed to bolster the research capacity of government agencies devoted to improving the status of women – the Secretary of State for the Promotion of Women in Mauritania and the Department of the Status of Women in Benin. IDF-funded projects in these two countries supported the creation of databases of gender-disaggregated data on major social indicators; this data can be used to inform policies to advance gender equity. The grants also supported studies on the justice problems women face, including the causes and effects of divorce and the fragility of women's property rights. The premise of these projects is that sound government policy depends on rigorous analytic capacity.

Linn Hammergren points out that nearly all evaluations of access to justice interventions in Latin America amount to headcounts. Even on the question of numerical significance, these evaluations do not tell a clear story. The number of clients is often tallied without an indication of what level of service was provided to each one, or how the numbers compare to total possible demand. And Hammergren insists that evaluations should consider issues *beyond* numerical significance, such as the quality of services rendered and what amount of resources and infrastructure would be necessary to take small innovative efforts to scale. If access to justice efforts claim broader effects, such as deterrence of crime or the reduction of conflict, those effects also need to be measured somehow.

Perhaps most important for Hammergren, evaluations should consider the question of opportunity cost. Access to justice programs should ask 'whether their normal clients prefer that public funds be spent [on the access program in question] as opposed to other services – say education, health, or public security.'<sup>60</sup> She argues that the tendency to 'let a hundred flowers bloom' – to support a plethora of small-scale access to justice experiments without a coherent strategy – has allowed access to justice programs to escape the fundamental constraints of policy making: decisions about allocating limited resources. She insists it is time to do some pruning, but that we lack the evidence to know what to cut and what to grow.

David Bernstein of the Public Sector Group, Europe and Central Asia Region, who has led several justice reform projects in Eastern Europe and the former Soviet Union, agrees that impact evaluations of access to justice interventions would be useful in informing project design. He cautions, however, that the de-

<sup>60</sup> Hammergren, *Envisioning Reform*, p. 163.

mand for such evaluations should be backed by sufficient time and resources. The effect of reforms on poor people's lives is, he explains, sometimes too gradual and too subtle to be demonstrated within the limited budget and three- to six-month windows often allotted for Implementation Completion Reports.

Michael Woolcock also stresses a need for more sophisticated research. Historically the vast majority of social program evaluations have concentrated exclusively on program beneficiaries. Woolcock agrees with those advocating the use of non-treatment controls to try to come closer to isolating program effects from all the other changes that occur during a given time frame.<sup>61</sup> Woolcock cautions, however, against prioritizing measurability over good judgment. Sometimes the most important kinds of intervention are the most difficult to assess precisely.

Linn Hammergren emphasizes that we have little data on what empowerment looks like and what its impacts are. Woolcock and his co-authors are among those who have grappled with the difficult task of measuring empowerment effects. The Kecamatan Development Program (KDP) and Community Conflict Negotiation Study assessed a massive community-driven development project in Indonesia that distributes US\$60,000–US\$110,000 block grants to *kecamatan* (subdistricts) and, eventually, to villages. Villages develop proposals on how to use these grants and pitch these proposals in a competitive process at the kecamatan level. The central contributions of the KDP are the processes by which development plans are generated and development resources distributed.

The core question of the Community Conflict Negotiation Study is whether or not and, importantly, *how*, 'KDP builds the conflict management capacity of villagers through unexpected spillovers from the deliberative processes it initiates.'<sup>62</sup> The study generated over 70 'conflict pathways case studies' of conflicts that took place within KDP treatment villages and others that took place in similar villages without KDP treatment. The study finds that the processes of deliberation established by KDP do contribute to the capability of less powerful groups to engage in peaceful contestation. The study elaborates the ways in which such transformations take place and the factors which make them more or less likely. Woolcock and his colleagues have pioneered, then, research methodologies by which progress on the amorphous goal of legal empowerment can be measured.

Building on Woolcock's work, I am presently working with Varun Gauri and several other colleagues on a five-country study of the impact of community paralegal programs. Researchers in each country are gathering qualitative data on cases chosen randomly from paralegal dockets, and also, for the purpose of establishing

<sup>61</sup> See, e.g., Abhijit Banerjee, *Making Aid Work*, 2007.

<sup>62</sup> Christopher Gibson and Michael Woolcock, 'Empowerment, Deliberative Development, and Local Level Politics in Indonesia: Participatory Projects as a Source of Countervailing Power', 43 *Studies in Comparative International Development* (2008), No. 2, pp. 151-180.

a control, on cases chosen randomly from lists of disputes generated in communities where paralegals are not operating.<sup>63</sup>

Ultimately, arguments for expanding investments in legal empowerment depend on the development of a wider and stronger body of empirical evidence.

## CONCLUSION

Several insights emerge from the Bank's experience in access to justice, within and across the six themes discussed above:

- Justice reform interventions should look beyond assumptions of generalized impact to consider the specific justice needs of poor people. An example of this kind of consideration is the study commissioned by the Venezuela Judicial Infrastructure Development Project on poor people's experiences of the justice system.
- Justice interventions of all kinds should be attentive to particularities of sociolegal context.
- Individual access to justice reforms should not be considered in isolation, but rather from a systemwide perspective: what combination of interventions will most effectively maximize the right of access 'in its amplest sense'?
- Access to justice reforms have a greater chance of success when they grow out of local initiative, as seen in the partnership with Ecuadoran bar associations to train public defenders.
- Legal services can be designed to enhance the agency of the people that they serve. Practical efforts to achieve empowerment should be coupled with further research on what empowerment looks like and how it can be achieved.
- Legal services interventions should consider the challenges of scale and sustainability. This includes placing lawyer-centered and urban services within a wider strategy to provide basic access to justice to all.
- Community paralegals are a promising method for delivering frontline legal services that are cost effective, capable of straddling plural legal systems, and oriented towards empowerment.
- There is substantial scope for state reforms to advance legal empowerment, from improving mechanisms for the accountability of basic services to supporting public legal aid boards to building the capacity of national departments on the status of women to strengthening 'interim' institutions for dispute resolution.

<sup>63</sup> See 'Community-Based Paralegals' thematic page on World Bank Justice for the Poor website, <http://go.worldbank.org/XY5ZBK89U0> [last accessed 6 September 2010].

- There is also a strong need for independent, civil society legal empowerment efforts, to increase citizen agency in relation to state institutions.
  - Legal education can be particularly effective when connected to concrete efforts to solve people's justice problems.
  - Intentional public education should be complemented by a robust right to access government information on demand.
  - The use of non-court dispute resolution mechanisms should be guided by the benefits achieved in cost, time, and harmony and, importantly, by the relative fairness and equality of the process.
  - Efforts to widen access to legal identity can be integrated into work on informality, early childhood health and education, and census taking. But any such intervention should be mindful of the possible dangers and political consequences for the people being registered.
  - Evaluations of access to justice programs should go beyond 'head counts' to demonstrate impact – on users of justice services as well as on society at large – and to consider opportunity cost.
-