



GRASSROOTS JUSTICE:

PATHWAYS TO SYSTEMS CHANGE



Grassroots
Justice
Network



About Us

ABOUT THE GJN

The **Grassroots Justice Network** is a global community of over 15,000 members from 175 countries, bringing justice defenders together to connect, learn and act. We apply the legal empowerment approach to help communities know, use, and shape the law, and to achieve lasting change against injustice.

The **Learning Agenda for Legal Empowerment** brings network members together to test their strategies, deepen their impact and collectively address the knowledge gaps facing our global movement for justice.

ABOUT THE AUTHOR

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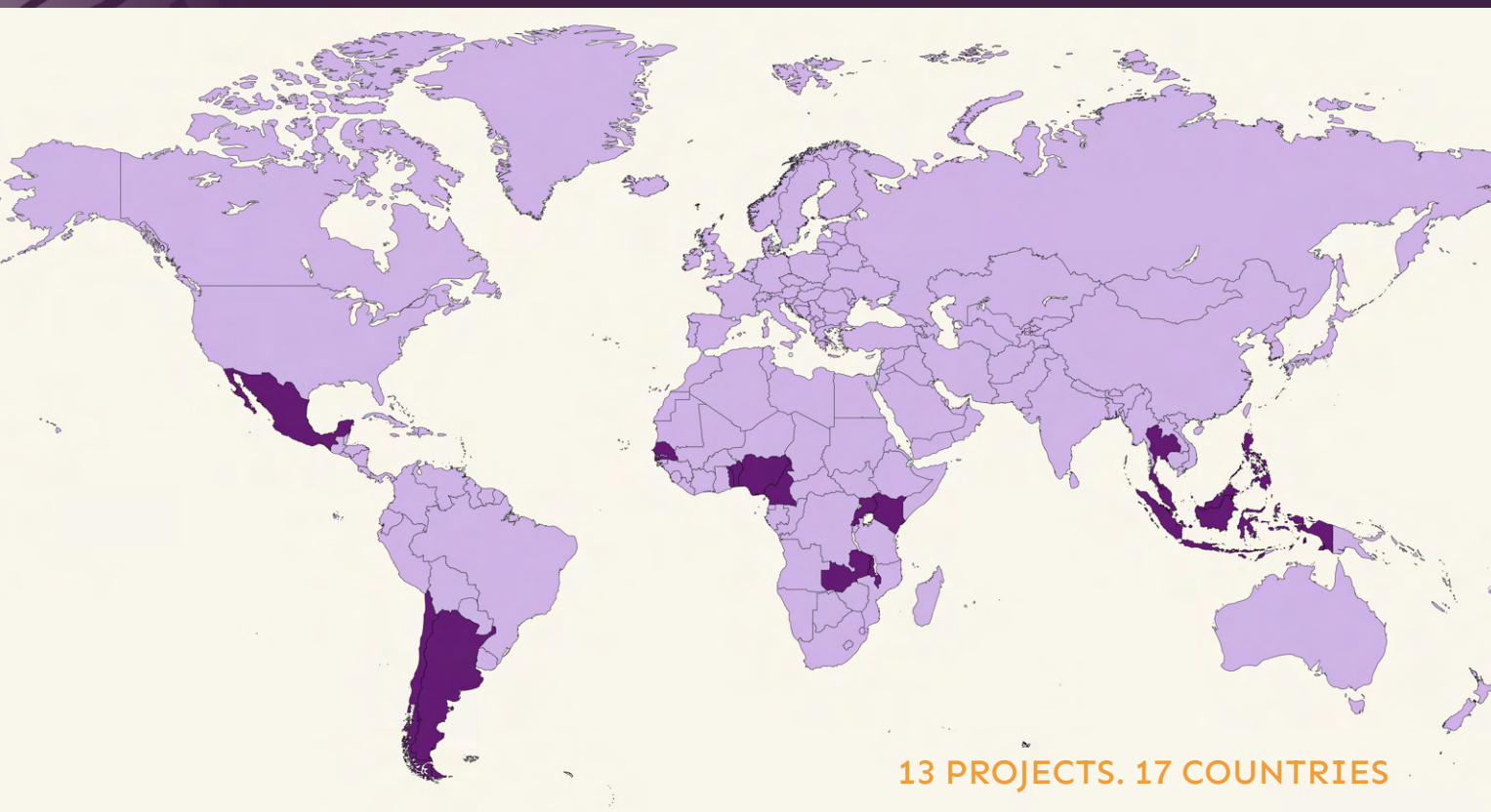


Introduction

The starting point for legal empowerment is using the law to get concrete solutions to specific lived experiences of injustice. But it doesn't end there. Around the world, legal empowerment organizations are experimenting with ways to translate grassroots efforts to address specific rights violations into broader systemic reforms that advance justice for everyone. These transformative changes address the underlying causes of injustice by creating new rights and stopping patterns of abuse.

Legal empowerment methods offer powerful pathways to activate existing rights and turn the sometimes rusty wheels within public institutions. This can include a range of strategies: joint or collective cases that bundle multiple grievances together, litigation, direct action campaigns, collaboration with state agencies, and more. The creative use of legal and political strategies rooted in organizing makes legal empowerment well positioned to engage the courts, administrative agencies, and legislators. The political and institutional context in a particular place shapes opportunities for advancing change. As we experiment, we can compare notes to better understand what works, when, and why.

In 2018, the Grassroots Justice Network launched a collaborative effort to create a **learning agenda** for the field. The learning agenda focuses on the most pressing issues facing the global movement for grassroots justice – the frontiers where collective inquiry can generate new solutions to the challenges that keep us at night. **Action research projects** led by members of the Grassroots Justice Network across Latin America, Africa, and Southeast Asia are generating powerful insights on how legal empowerment strategies can build community power and achieve changes in laws and institutions that deepen democratic governance. This publication draws on insights from across the action research projects to illustrate pathways to systems change.



WHAT DO WE MEAN BY SYSTEMS CHANGE?

At its most transformative, legal empowerment is oriented toward deeper systemic change that addresses the structural causes of injustice and exclusion. It takes a critical stance toward the law, recognizing that the law itself is normative and is often biased in favor of preserving the status quo.

While rights claims are a powerful entry point for demanding justice, legal protections often fall short of what is needed. The recognition of rights is an inherently contested and political process. Legal empowerment efforts go beyond the limits of the law to interrogate how rights are defined and who has a say in decisions. It opens space for a more radical and transformative vision of justice by creating a

pathway for communities to shape the rules and institutions that affect their daily lives.

"We continue to face the same justice challenges. If anything, we're seeing more and more people coming to us because of the same rights violations. We need to do more to address the core problems that lead people to us in the first place."

- Annette, Kituo cha Sheria

Systemic change can take different forms: 1) changes in law and policy that establish new rights; 2) changes in institutional practice that address gaps in implementation or discrimination in how the rules are applied; or 3) changes to norms and institutional structures that shift how justice is understood and who has a say in decision-making. And systemic change can happen at any level, from local to subnational to national to global.

Advocating for new laws and policies is often the first thing that comes to mind when we talk about systems change. But other

forms of systemic change can be just as powerful. For example, grassroots groups could convince a public agency to set standards for how policy is implemented or limits on discretion when it leads to abuse. At an even deeper level, norms and power structures define the accepted beliefs and hierarchies that shape justice outcomes, often in ways that are invisible. Changing norms and power dynamics can drive or consolidate changes in law or institutional practice. While it may seem abstract, shifting these deep-seated social dynamics can lead to radical transformation.

HOW CAN GRASSROOTS JUSTICE EFFORTS DRIVE POSITIVE CHANGES IN LAWS, INSTITUTIONS, AND NORMS?

Grassroots justice efforts invoke two powerful pathways to systems change. First, legal empowerment methods put the power of law in the hands of everyday people, supporting those directly affected by injustice to know, use, and ultimately shape the law. Second,

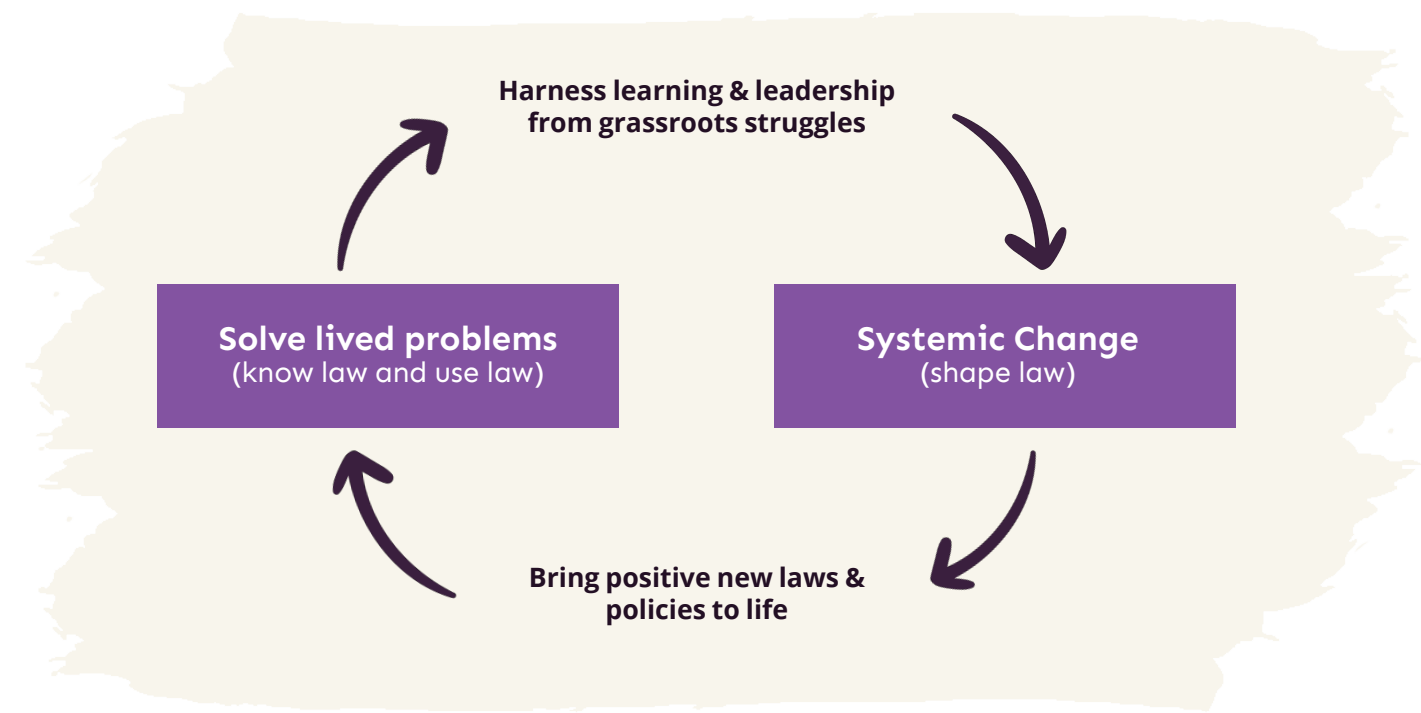
FORMS OF SYSTEMS CHANGE	EXAMPLES FROM ACTION RESEARCH PROJECTS
<p>1. Law and policy – changes in legislation, regulations, or policy frameworks that establish new rights.</p>	<p>Since the national land law was adopted 50 years ago, the number of large-scale land investments in Cameroon has grown significantly. In the absence of adequate recognition for community rights, the surge in investments is leading to deadly conflicts. The Center for Environment and Development is advocating for a land reform that clearly defines community rights during investment.</p>
<p>2. Institutional practice – changes in how public agencies make decisions and implement the law day to day.</p>	<p>In Malawi, under the Police Act any officer who perpetrates abuse is subject to disciplinary action or may be reported to the Independent Complaints Commission. CHREAA and SALC are working to make these complaint mechanisms accessible and responsive to marginalized communities. They are also advocating for police leadership at district and national levels to take action when cases of abuse are reported.</p>
<p>3. Norms and power structures – changes in what is seen as legitimate and how justice is understood.</p>	<p>When police abuses like sexual assault or harassment of street vendors are reported, the police often defend their own officers and refuse to investigate complaints. CHREAA and SALC aim to end the culture of impunity for police abuse by cultivating champions among police leadership, training police officers, and activating complaint mechanisms.</p> <p>In Nigeria, Benin, and Senegal, slum dweller movements are using stories and media to challenge the criminalization of the urban poor. When informal settlements are labeled “illegal”, it legitimizes and perpetuates a policy of forced evictions that leaves tens of thousands homeless.</p>

they combine law and organizing to build power among people facing injustice. In contrast to a service delivery orientation (“I will solve this for you”), the message of grassroots justice groups is: **“we will solve this together, and in the process, we will grow our ability to tackle injustice in the future.”**

Grassroots efforts to address specific rights violations reveal how systems are working in practice. That information helps

to identify which reforms are most necessary and offers a unique evidence base from which to argue for those reforms. For justice seekers, the experience of addressing lived problems (knowing and using law) is a powerful stepping stone towards taking part in efforts to improve the rules for everyone (shaping law). Communities facing injustice can draw on their experience to envision, organize around, and win changes to rules and systems.¹

THE LEGAL EMPOWERMENT CYCLE





Legal empowerment groups have turned this wheel, from grassroots experience to systemic change, in dramatic ways. In the Philippines, for example, paralegals and communities drew on case experience to successfully argue for a 10-year extension of – and significant improvements to – the national agrarian reform that was launched after the fall of the Marcos dictatorship.² We talk about a legal empowerment cycle, rather than a one-way progression, because when we do win a change in law or policy, implementation is never guaranteed. Grassroots justice advocates and communities must breathe life into new de jure commitments by invoking them in efforts to solve lived problems.

There is no single blueprint for translating grassroots efforts to address specific rights violations into broader reforms that benefit everyone. Instead, grassroots justice organizations use diverse and creative strategies for combining law and organizing. While the methods are varied, the goal is the same: to democratize the law and give people power over the decisions that directly affect them. In contrast to traditional legal approaches, grassroots justice efforts are driven by ordinary

people. Legal strategies are used in tandem with other types of direct action and political engagement and there is an explicit focus on building collective power across communities facing similar injustices. Whatever form they take, grassroots justice efforts center learning from everyday struggles to solve problems and leadership by those directly affected. Together, these are unique sources of power to drive lasting change.

This cycle is our movement’s most powerful pathway to impact. It allows us to translate violations that affect thousands of people into reforms that affect millions—entire states or nations. It represents a **deeper version of democracy: everyday people using the rules to make systems work better.** With every turn of the legal empowerment cycle, we are building the foundation for a vibrant democracy: empowered citizens and responsive governments. Rather than a narrow focus on elections and political representation, the emphasis here is on how decision-making happens day to day. As communities use existing rules to demand accountability, they can catalyze a more proactive, responsive orientation from the state.



Mapping pathways to change

There is no single blueprint for achieving systems change. Grassroots justice efforts employ diverse strategies rooted in law and organizing, defining their approach based on their goals and the opportunities and constraints in their specific context. Across the cohort of Network members engaged in the learning agenda, there are multiple pathways to systems change. These pathways can be characterized by the types of changes sought, the combination of strategies used, and the public institutions engaged.

In this section, we'll take a closer look at the institutions engaged. Grassroots justice efforts focus on a wide range of institutions and advance systems change at different levels – from local to national to global. We asked the teams leading action research projects to map the public institutions that they engage in their efforts to secure changes to institutional practice,

law and policy, or underlying norms and power structures. We organized the institutions into categories by the type of institution (administrative, judicial, and legislative) and the level at which it operates (local, subnational, national, and international). When we stepped back and looked at the map together, a few noticeable patterns stood out.



Legal empowerment methods can be used to engage all three types of institutions: administrative, legislative, and judicial. Combining the power of law and the power of people provides a strong foundation for engaging across a range of institutions. Grassroots efforts to use the law to solve everyday problems are uniquely able to (a) identify implementation gaps that administrative agencies are responsible for addressing; (b) generate a bottom-up vision of where legislative reforms are most needed based on communities' lived experience; and (c) demystify judicial processes, support communities to demand redress, and ensure court judgments are implemented in practice.

Strategies for driving change vary across the cohort, depending on their goals and the political and institutional context. A closer look at three of the action research

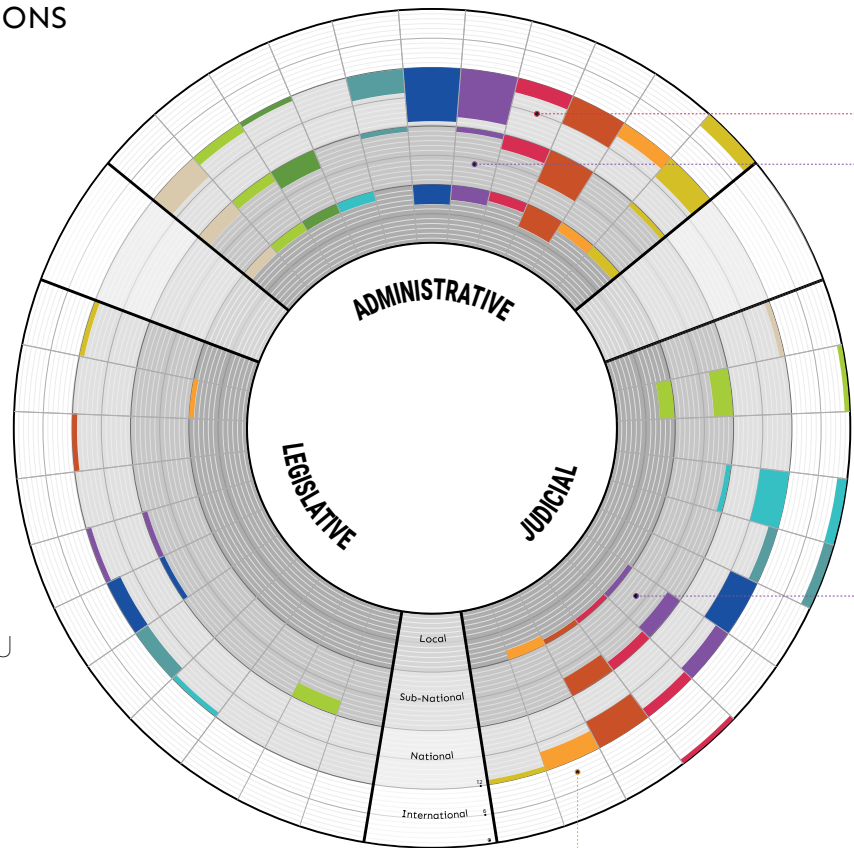
projects illustrates the wide range of strategies and institutions engaged. Kituo cha Sheria concentrates almost exclusively on the judiciary, establishing community justice centers and court user committees to help poor communities across Kenya access the courts and solve problems related to housing, land, employment, and more. In contrast, given a hostile political environment and significant risks for the vulnerable groups they work with, Asylum Access Thailand primarily engages administrative institutions to protect refugees' rights to asylum and basic services. They have found that they can make incremental progress by working with agencies who have a mandate to provide services. Finally, Akiba Mashinani Trust takes a multi-pronged approach that engages legislative agencies to establish a policy framework for community-led development in urban areas and with administrative agencies like the water and sanitation department and health services to create and implement local development plans designed by neighborhood residents.

Public Institutions Engaged in Pursuit of Systems Change

Public institutions shape the rules and systems that affect people's everyday lives. Systems change in support of justice for communities requires a multi-dimensional approach engaging a range of institutions (administrative, judicial and legislative) at all levels (local, sub-national, national and international). Across the grassroots justice organizations leading on the learning agenda, we can see diverse strategies based on their context and specific goals.

ORGANIZATIONS

- AAT
- ACIJ
- JEI
- CHREAA & SALC
- YLBHI
- ALG
- FIMA
- Kituo
- CED & LEMU
- AMT
- ProDESC
- ACIJ

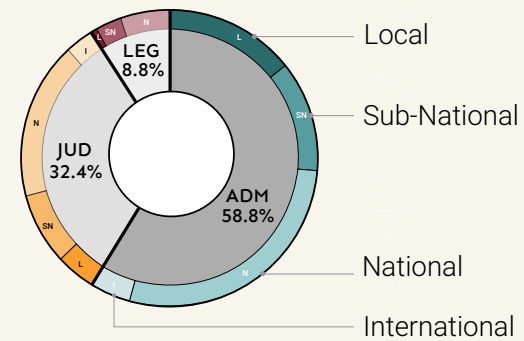


CHREAA & SALC
 CHREAA develops relationships with police at every level in order to have points of contact situated in different parts of the system. Whenever possible, CHREAA tries to reach an amicable settlement with the police that addresses communities' demands while building trust.

YLBHI
 YLBHI combines engagement with administrative and judicial institutions. For example, for an attempted land grab by a cement company YLBHI appealed to the national land agency while also filing a case in the administrative court. Farmers also protested by cementing their feet in place outside of the administrative agencies that approved construction.

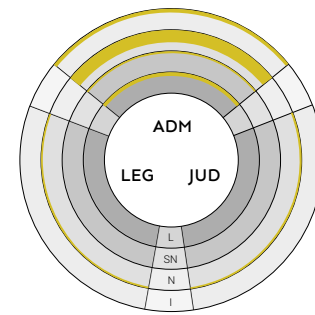
A 2008 ruling by Argentina's supreme court recognized the right to a healthy environment for residents in the contaminated Matanza Riachuelo river basin. ACIJ supports communities to shape how the judgment is applied. Their efforts show both the power of litigation and the challenge of consolidating wins achieved through the courts.

TYPE & LEVEL OF INSTITUTION



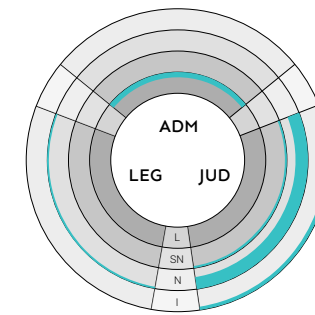
Overall, organizations in the learning agenda cohort primarily focus on engaging administrative institutions (ADM-58.8%) followed by the judicial system (JUD-32.4%). While legislative institutions can enact powerful policy changes, grassroots justice efforts tend to engage them in a more targeted way (LEG-8.8%).

COMPARING 3 ORGANIZATIONS



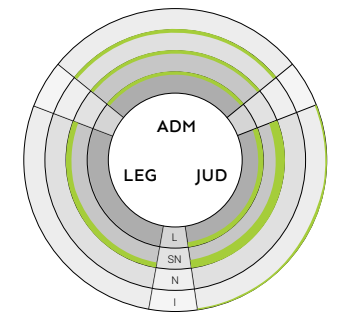
Asylum Access Thailand (AAT): Activating Administrative Institutions

Asylum Access engages administrative institutions like the Immigration Office and the Department of Children and Youth to secure the rights of refugees. These agencies are directly responsible for the services refugees need and are easier to engage in the context of government crackdowns on immigration than the courts or Parliament.



Kituo Cha Sheria: Reforming the Judicial System

Kituo strives to make the courts more accessible and responsive to poor communities. They focus almost exclusively on institutions in the judicial system. For example, they engage court user committees at the local level and the Kenya National Commission on Human Rights at the national level.



Akiba Mashinani Trust (AMT): A Multi-Pronged Approach

Akiba Mashinani Trust uses multiple strategies, working collaboratively with agencies in the city government who are responsible for urban planning, water and sanitation, and housing. At the same time, they advocate for action from the County Assembly, a legislative body, and when needed turn to litigation through the court system.

ACTIVATING ADMINISTRATIVE INSTITUTIONS

The legal framework in Thailand imposes significant restrictions on refugees and asylum seekers and filing a case in court exposes plaintiffs to the risk of harassment and deportation. In a political environment that is hostile to migrants, the possibilities for legislative action to protect refugee rights is extremely slim. As a result, Asylum Access Thailand focuses primarily on administrative agencies, including the Immigration Office that processes applications for asylum and the National Security Council responsible for overseeing a new national screening mechanism that recognizes the protected status of refugees. In addition, the UN High Commission on Refugees is an ally willing to use its international authority to bring attention to failures to follow the new rules or discrimination in how they are applied to refugees of different countries of origin. Asylum Access Thailand also

supports refugees to access public services, for example, engaging the Department of Labor to protect their right to work or the Department of Children and Youth to ensure children are released from immigration detention under the Child Protection Act. Asylum Access Thailand also fosters leadership within refugee communities, including collaborating with them to gather evidence from efforts to exercise their rights. Asylum Access Thailand draws on evidence generated by communities to put refugee-related issues on the parliamentary agenda in the House of Representatives.

REFORMING THE JUDICIAL SYSTEM

Kituo cha Sheria is the longest standing legal aid organization in Kenya. Kituo expands access to justice for those living in poverty by providing free, accessible, and community-oriented legal

A MULTI-PRONGED APPROACH

In the 1990s, the Muungano wa Wanavijiji slum dweller movement emerged in response to widespread evictions in informal settlements in Kenya. Initially, they used litigation to resist evictions. Over time, Muungano and Akiba Mashinani Trust (AMT) began to explore other approaches as well, using multiple strategies in combination to demand that the county of Nairobi implement a participatory planning for slum upgrading in Mukuru. After the county declared a special planning area for the Mukuru settlement, it opened the door to working collaboratively with planning departments in the county government that are responsible for water and sanitation, housing, health services, and more. Muungano and AMT educated residents on their rights to basic services, created a structure for deliberative decision-making and collective action across the 100,000 households in the slum, and fostered dialogue with multiple departments in the county government responsible for providing public services across a range of sectors.

services. Since 1973, Kituo's advocates have trained almost 500 paralegals and helped to establish 32 community justice centers across the country. The paralegals trained by Kituo work on a wide range of civil and criminal justice issues, including labor rights, migration and refugee rights, housing, land rights, and prisoner's rights. Kituo strives to make courts more accessible and responsive to poor communities. They focus on improving how courts operate day to day and promote more effective coordination among agencies in the justice system. For example, by partnering with the Judiciary of Kenya and the Commission on Administrative Justice, Kituo cha Sheria has shaped national plans for providing legal aid at the grassroots. At a more local level, Kituo also brings more clarity to the pathways communities can use to access justice by supporting counties to create action plans that establish a referral system among community institutions, alternative dispute resolution mechanisms, and courts.



There is a dominant focus on administrative institutions.

How laws are implemented matters as much as – if not more than – what they say on paper. Many grassroots justice efforts primarily engage the administrative agencies that are responsible for implementing public policy. These agencies hold direct authority over the decisions that affect people’s daily lives. For example, the urban planning department in Nairobi determines which neighborhoods are prioritized for basic services like water and sanitation. Legal empowerment methods can close the gap between what’s required by law and what happens in practice, using existing rules to turn the wheels of even broken systems. Situations where there is “good law, weak practice” are often a sweet spot for grassroots justice organizations. Legal



empowerment methods use existing rules as legal hooks to demand compliance with the rights guaranteed under law.

Across the cohort, legislative bodies are the least prominent in social change strategies.

Advocating for new legislation is powerful, but it requires years of engagement and campaigning. It is most likely to become a focus when there is a political window of opportunity or as part of a sustained coalition effort over longer periods of time.

Nonetheless, several organizations in the cohort have found that legislative change at the local level presents promising opportunities. Municipal and regional governments are subject to different political pressures than national assemblies or parliaments. Often there is



more direct accountability to their constituents that creates a strong incentive to deliver public services. Legislative wins at the municipal or regional level can be easier to achieve and to bring to life in practice. They can also have a demonstration effect on national policy. AMT’s ability to get the county government to declare a Special Planning Area for Mukuru is one example.







Most organizations engage several institutions at the national, subnational, and local levels. This reflects a pragmatic focus on (a) decision-making power and where organizations and movements can build influence and (b) the institutions that are closest to communities and the easiest for them to engage directly. For the most part, there was limited engagement with international institutions,










though regional courts and UN agencies play a role for some projects – particularly when they are working in opposition to the national government.

Legal empowerment efforts engage a mix of different forums and institutions to secure and expand rights. They invoke legal obligations and chains of accountability and oversight within state institutions; they are able to elevate claims vertically up an administrative hierarchy or engage other state institutions that have horizontal relationships of authority and accountability. Ultimately, success depends on strategically deploying multiple tactics and political pressure across different institutional levels.

Systems Change Strategies across the Learning Agenda Cohort

	CHANGES SOUGHT	MAIN INSTITUTIONS TARGETED		STRATEGIES
 ASYLUM ACCESS	Asylum seekers and refugees can secure legal status and access basic rights related to employment and education. <i>[law / policy + institutional practice]</i>	ADM	<ul style="list-style-type: none"> Immigration Office Public service agencies 	<ul style="list-style-type: none"> Grassroots paralegals supporting communities to resolve violations Community generated data Advocacy campaigns
 ACIJ	Effective implementation of judicial rulings requiring clean up and redevelopment of the Matanza Riachuelo river basin through a process with robust public participation <i>[institutional practice]</i>	ADM	<ul style="list-style-type: none"> City government of Buenos Aires Matanza Riachuelo River Basin Authority 	<ul style="list-style-type: none"> Community generated data Citizen participation in decision-making forums Collaboration with public agencies Litigation
		JUD	<ul style="list-style-type: none"> Supreme Court 	
 JEI	The urban poor are protected from forced evictions and can exercise their rights to basic services. Poverty and living in informal settlements are no longer criminalized. <i>[law / policy, institutional practice, + norms]</i>	ADM	<ul style="list-style-type: none"> Social services agencies Police 	<ul style="list-style-type: none"> Partnering with social movements Community generated data Grassroots paralegals supporting communities to resolve violations Media and communications campaigns Litigation
		JUD	<ul style="list-style-type: none"> Courts (small claims, state high courts) 	
 CHREAA + SALC	Reduce police abuse of vulnerable populations by activating new accountability mechanisms and ending the culture of impunity among police officers <i>[institutional practice + norms]</i>	ADM	<ul style="list-style-type: none"> Independent Complaints Commission Inspector General of the Police District Police Commissioners 	<ul style="list-style-type: none"> Communities documenting and reporting violations Dialogue between affected communities and the police to identify solutions collectively Training and policy guidance for police officers Litigation
 YLBHI	Communities are able to protect their land and labor rights. Social movements for agrarian and labor rights contribute to broader structural change. <i>[institutional practice + law / policy]</i>	ADM	<ul style="list-style-type: none"> National and regional land agencies 	<ul style="list-style-type: none"> Partnering with social movements Grassroots paralegals supporting communities to resolve violations Advocacy campaigns Litigation
		JUD	<ul style="list-style-type: none"> Courts 	
 ALG	Poor communities can access justice without discrimination or unequal outcomes. Policies reflect the needs and priorities of grassroots communities. <i>[institutional practice + law / policy]</i>	ADM	<ul style="list-style-type: none"> Dept of agrarian reform Dept of labor 	<ul style="list-style-type: none"> Partnering with social movements Grassroots paralegals supporting communities to resolve violations Litigation Advocacy campaigns
		JUD	<ul style="list-style-type: none"> Courts 	

	CHANGES SOUGHT	MAIN INSTITUTIONS TARGETED		STRATEGIES
 FIMA	Indigenous livelihoods are protected from environmental damage caused by commercial salmon fishing. Communities are able to participate effectively in environmental decision-making. <i>[law / policy, institutional practice, + norms]</i>	ADM	<ul style="list-style-type: none"> Municipal and regional government Environmental evaluation service 	<ul style="list-style-type: none"> Citizen participation in decision-making forums Administrative claims Advocacy campaigns
 KITUO CHA SHERIA	Poor communities can access justice through the courts without discrimination or unequal outcomes. <i>[institutional practice]</i>	JUD	<ul style="list-style-type: none"> Court user committees Courts 	<ul style="list-style-type: none"> Grassroots paralegals supporting communities to resolve violations Litigation
 CED, LEMU AND IIED	Conflicts related to land investments are prevented before they occur. Communities are able to exercise greater control over any investments on their land. <i>[institutional practice + law / policy]</i>	ADM	<ul style="list-style-type: none"> National and district land agencies 	<ul style="list-style-type: none"> Communities documenting and reporting violations Participatory compliance monitoring Dispute resolution Litigation Advocacy campaigns
 AMT AND PPHPZ	Participatory planning for informal settlements that reflects poor residents needs and priorities <i>[institutional practice]</i>	ADM	<ul style="list-style-type: none"> County government planning agencies (e.g. water, sanitation, housing) 	<ul style="list-style-type: none"> Community generated data Collaboration with government planning agencies Political pressure on county assembly and governor through election manifesto
		LEG	<ul style="list-style-type: none"> County Assembly 	
 PRODESC	Prevent indigenous communities' dispossession by tourism and infrastructure projects and advance alternative development paradigms that advance communities' own vision for the future. <i>[institutional practice + norms]</i>	JUD	<ul style="list-style-type: none"> Constitutional Court 	<ul style="list-style-type: none"> Strengthening local governance bodies Collective organizing Litigation Media and communications campaigns
 NATURAL JUSTICE	Mainstreaming gender in climate adaptation policy and increasing women's participation in decision-making about climate policy <i>[law / policy, institutional practice, + norms]</i>	ADM	<ul style="list-style-type: none"> Municipal government 	<ul style="list-style-type: none"> Citizen participation in decision-making forums Grassroots paralegals supporting communities to resolve violations Advocacy campaigns
 SYNERGIA	Equal access to justice for LGBTQ+ communities, for example on wrongful evictions and employment discrimination <i>[institutional practice + norms]</i>	JUD	<ul style="list-style-type: none"> Law enforcement Courts 	<ul style="list-style-type: none"> Grassroots paralegals supporting communities to resolve violations Collective organizing



BOTTOM-UP POLICY REFORM IN SIERRA LEONE

In Sierra Leone, the passage of the Customary Land Rights Act in 2022 democratized land governance and gave communities direct legal rights to the land they had managed for generations. It also established crucial protections for communities during large-scale investments like mining and agribusiness. Despite commitments in the 2015 National Land Policy to carry out a tenure reform, it took seven years of political struggle and movement building for communities to secure the passage of the progressive new land law.³

Community leaders began sharing the stories of how large-scale investments had impacted their land and livelihoods. During the 2018 presidential elections, they joined together to convince

all 17 political parties to sign the “Our Land, Our Future” pledge, committing to recognize customary rights. Later, in advance of public consultations on the draft law, community paralegals organized group discussions with community-based organizations, women’s groups, youth associations, and landowners and land users in which they identified issues to remove, add, or adjust.

Grassroots stakeholders also developed strategies for responding to opposition from traditional chiefs and government officials to some of the provisions. Showing up in numbers at regional consultations on the proposed laws was one key strategy. At the consultations, people who had been part of efforts to fight large-scale investments shared their stories of losing valuable farmland or access to the village’s only water source. And when the legislative process stalled after consultations, they organized again to meet with their members of Parliament, give radio interviews, and to draft an open letter to the President urging him to expedite the passage of the draft laws.

The Legal Empowerment Cycle in Action

This section takes a closer look at various strategies for driving systems change across the members of the Grassroots Justice Network who are leading action research projects. While every organization uses multiple strategies, each profile focuses on a specific strategy that is central to one organization’s approach. The profiles offer a compelling and multifaceted picture of the strategies grassroots justice organizations use to build community power and activate state institutions.

Across the diverse strategies featured, two ideas at the heart of the legal empowerment cycle are common themes. First, in each case, Network members are creating pathways to translate grassroots experience fighting injustice into broader reforms. This grows out of a commitment to supporting those directly impacted to know, use, and ultimately shape the law. Second, they combine legal strategies with other forms of political action by communities. Legal action is more likely to contribute to structural

change when embedded within a broader justice movement led by those directly affected. A commitment to fostering the leadership of those directly affected by injustice is a guiding ethos. Strategies are chosen in order to build and consolidate community leadership as much as to get an immediate win. In conjunction with ways to characterize approaches to engaging the state described in the previous section, these ideas can help surface comparative insights from across the projects.



Indonesia Legal Aid Foundation (YLBHI)

TURNING THE WHEEL THROUGH GRASSROOTS CASEWORK

Many justice efforts leverage multiple grassroots cases to drive wider change, drawing on existing rules to turn the wheels of public institutions. Strategies that center grassroots cases often share several common elements. Community paralegals and frontline justice advocates play a key role in supporting people facing injustice to use existing rules – however imperfect they may be – to protect their rights. Rather than starting with the courts, the first step is often to approach administrative institutions that communities can engage directly without the need for a lawyer. In the aggregate, grassroots cases offer a picture of how the law works in practice and where it breaks down – often information that no one else has, even the government itself. This is a very different way of approaching

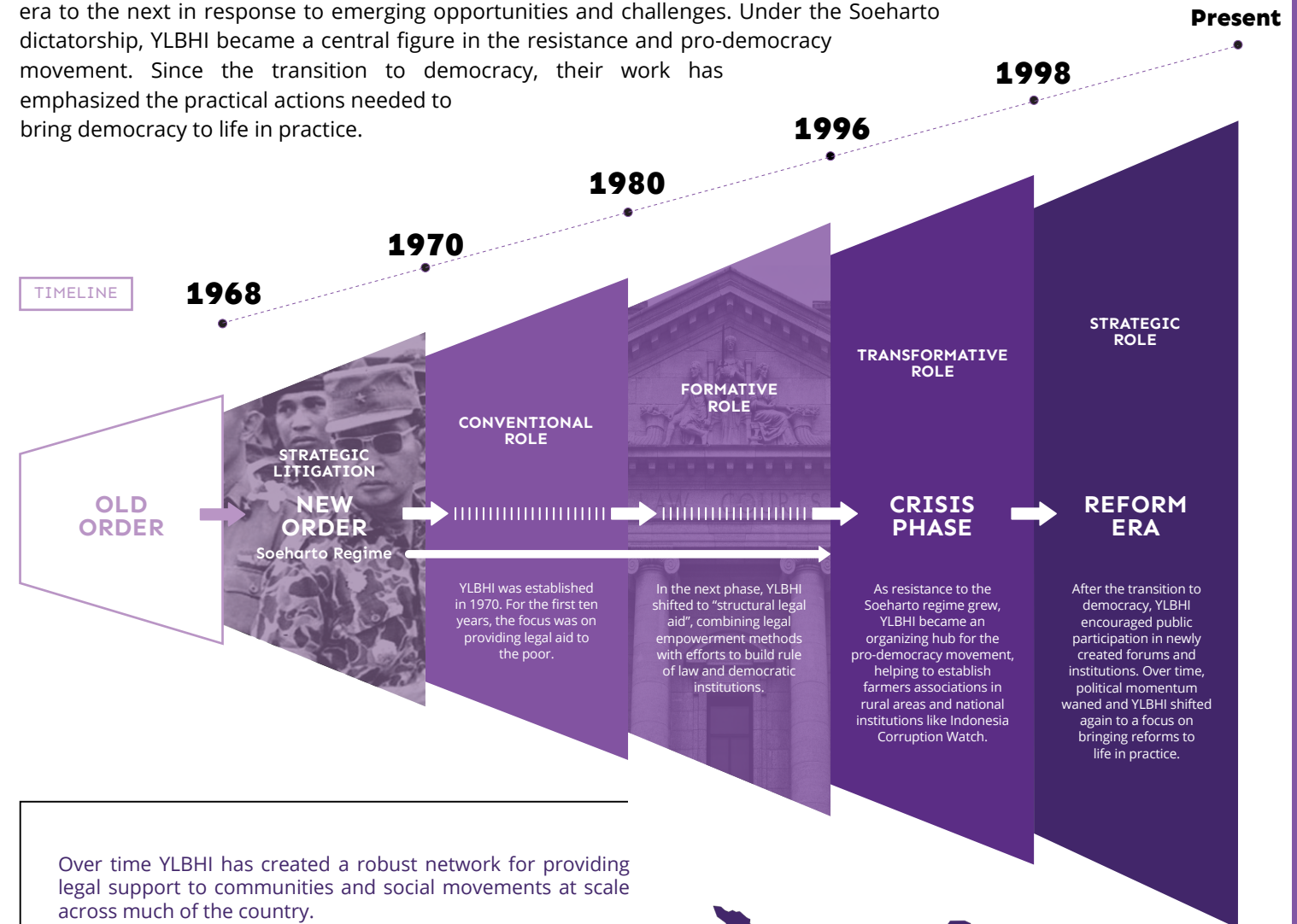
reform: communities proposing bottom-up reforms based on their lived experience of trying to use the rules to make systems work.

The Indonesia Legal Aid Foundation (YLBHI) has one of the longest histories using legal empowerment methods. Their work dates back to the early days of the military dictatorship under general Suharto. Later, as the opposition to the New Order regime grew in the late 1990s, YLBHI became a hub for the democracy movement. Through YLBHI’s grassroots casework, organizing, and efforts to incubate other institutions and social movements, they played a crucial role in the political transition to democracy. Over time, YLBHI also established an impressive footprint, with chapters in 18 provinces and more than 700 community paralegals across Indonesia currently.

In the final years of the Suharto regime, proactively supporting farmers to reclaim their land was YLBHI’s primary focus and dominant strategy for movement building. In response to a wave of agrarian conflict,

YLBHI 50 YEARS OF ADAPTING TO CHANGING POLITICAL CONTEXTS

How do we adapt when the political context shifts? This is a live question for many grassroots justice organizations. The Indonesia Legal Aid Foundation played a pivotal role in resisting oppression and catalyzing democratic reforms over more than 5 decades, offering practical lessons for how others can adapt and thrive even in the context of major political transitions. This timeline shows how YLBHI’s approach to law and organizing evolved from one political era to the next in response to emerging opportunities and challenges. Under the Soeharto dictatorship, YLBHI became a central figure in the resistance and pro-democracy movement. Since the transition to democracy, their work has emphasized the practical actions needed to bring democracy to life in practice.



18

LOCAL CHAPTERS

Established across 18 provinces in Indonesia: Aceh, Medan, Padang, Pekanbaru, Palembang, Lampung, Jakarta, Bandung, Semarang, Yogyakarta, Surabaya, Bali, Palangka Raya, Samarinda, Makassar, Manado, Papua, dan West Kalimantan (Pontianak)

700

PARALEGALS

YLBHI trains and supports a cadre of rooted, community-based paralegals across Indonesia. Paralegals work directly for their community and are connected to local associations and social movements.

88

ADVOCATES

Lawyers provide a vertical network of support for community paralegals. They work on five main activities: community organizing, research, campaigning, strategic litigation, and policy advocacy (i.e. “structural legal aid”).





YLBHI chapters began supporting farmers in Java to document their land claims in 1998. Community paralegals explained how agrarian law could be used to apply for recognition from the national land agency and worked with farmers to document the history of their land and gather evidence supporting their claims. To create a foundation for collective resistance and local organizing, they also began helping farmers establish local associations. They then connected associations into larger networks of solidarity across districts.

One significant case unfolded in Bandung when 1,000 families from 3 villages came together to reclaim land that had been seized by the military in 1965 and was later given to a company to start a commercial plantation. The villages first started organizing in 1998 to protest the company's pollution of local water sources.

- Photo Source: National Security Archive.

Once they saw the power they had as a collective, they began advocating for the return of their land. As the conflict escalated, the Central Java Farmers Organization (ORTAJA)⁴ connected them to the LBH chapter in Semarang. Together, they submitted a claim to the National Land Agency. The farmers also organized demonstrations at the land agency's offices in Central Java as well as before the district police and the Regional House of Representatives.

The state responded by arresting three of the farmers who were leading the effort. But the attempt to criminalize peaceful organizing only galvanized further collective action. Local farmers rallied support during each hearing, packing the court room with supporters. They also escalated pressure on the state by organizing a demonstration with thousands of farmers outside of the National Land Agency headquarters in Central Java. In response, the agency agreed to do a site visit, after which they issued a decree revoking the company's operating permit. Farmers from Bandung then followed up with the central office in Jakarta to ensure the order



was implemented. The company responded by suing the national land agency, but after years of litigation and appeals in 2009 the Supreme Court ultimately upheld the decision revoking their permit. Nonetheless, farmers had to keep fighting until 2021 to get title to the land.

The Bandung case was one of hundreds when YLBHI supported farmers to pursue throughout Java and across other parts of the country from the mid 1990s through the mid 2000s. Following the transition to democracy, there were successive waves of land reform with national programs launched in 2007, 2014, 2018, and 2023. The national programs have focused solely on certifying and registering land claims. Drawing on their grassroots casework, YLBHI advocated for the agrarian reform to include redistribution and a process for addressing land conflicts, particularly those

- Photo Source: YLBHI.



created by historical land grabs. Along the way, significant wins in key cases like Bandung brought greater public awareness to challenges in implementing the reforms. Together, YLBHI and their long-time partner the Central Java Farmers Organization (ORTAJA) are now distilling lessons from grassroots experience to explain why to date the agrarian reforms have failed to meet farmers' needs. In this way, local struggles for justice can shape national reforms.

As part of YLBHI's action research project, LBH Semarang and ORTAJA identified several important lessons from the Bandung case. Three main factors contributed to its success. First, establishing strong farmers' organizations and connecting them as a network was crucial for organizing large direct actions, sustaining the struggle in the face of criminalization, and scaling up

- Photo Source: YLBHI.



resistance from the local level to the regional and national levels. Second, using administrative mechanisms instead of litigation opened up new space to secure redress. YLBHI initially chose this strategy in part due to the high standards of evidence required for litigation and in part to minimize pushback from the state. Farmers were able to get traction by submitting complaints to the land agency at multiple levels while also exerting political pressure on the land agency. Third, the ability to find an actionable legal hook distinguishes this case from others that are still ongoing. The permit for commercial cultivation was issued for a defined use – growing aromatic plants to make perfume. However, the company

had shifted to cultivating forage for animals and was no longer in compliance with the use certificate they had been granted. Ultimately, this was the grounds on which the national land agency revoked their permit.

YLBHI is channeling these insights and reviving the same networks to defend farmers' rights in the context of the government policy authorizing hundreds of National Strategic Projects for economic development starting in 2016. After reducing the intensity of organizing over the past ten to fifteen years in response to funding constraints, YLBHI is now turning back to their earlier model rooted in deep organizing and grassroots embeddedness.

- Photo Source: CNN.



Asociación Civil
por la Igualdad y
la Justicia (ACIJ)

STRATEGIC LITIGATION AND CONSOLIDATING WINS FROM COURT JUDGMENTS

Legal empowerment efforts invoke litigation when needed, but the courts are often a last recourse. As one cohort member put it, “community-led strategies can resolve 90% of issues”. Nonetheless, litigation remains a powerful lever when there are severe cases of abuse. Strategic litigation can also establish new rights or force open space for communities to participate

- Photos Source: ACIJ.

in decision-making. In many contexts the courts have renewed importance in recent years as a battleground for justice and a means to resist authoritarianism.

ProDESC notes that in Mexico government agencies and corporations often use sophisticated legal arguments to dismiss community opposition. For example, they use statutes of limitations to curb legitimate complaints about rights violations. In response, many social movements are using the legal system to fight back. They are activating judicial mechanisms by using existing laws in creative ways to protect communities and defend against rollbacks of existing rights. The law can be a political resource for social movements to challenge



entrenched power. It can play both a tactical role in achieving victories and a symbolic role in framing movement demands as fundamental rights.

Litigation is stronger when paired with organizing. Organizers can mobilize communities and demystify the law, equipping community activists to make collective decisions about strategy. And evidence compiled through grassroots efforts to address rights violations can turn the tide in court. When using litigation, grassroots justice efforts find creative ways for the legal strategy to be community-led. This can include building a case from grassroots problem-solving with local communities, packing the courtroom to show public support, and bringing arguments and findings back to communities to discuss and decide on next steps together. At a deeper level, activists are

reimagining the relationship between communities and the judicial system. For example, the Community Resource Center in Thailand describes communities who go to court to defend their rights as “co-enforcers” of the law.

ACIJ’s efforts supporting communities living in informal settlements in Buenos Aires demonstrates the power of litigation and the sustained work required to consolidate wins achieved through court judgments. In 2008 a landmark ruling by the Supreme Court of Argentina recognized the right to a healthy environment for residents in the heavily contaminated Matanza Riachuelo river basin and mandated that the county remediate and redevelop the entire area. Over the past decade, ACIJ has used litigation, participation in public planning processes, and documentation of gaps in public services within poor communities in the river basin to catalyze more effective implementation of the ruling.

Meaningful community participation in the planning and redevelopment process is a cornerstone of ACIJ’s approach. In 2012, ACIJ supported communities

to initiate a lawsuit to demand that resettlement plans respond to the needs and priorities identified by residents. As a result, the municipal government was ordered to develop a plan to guarantee access to information and participation by residents and to establish regular forums for community participation in the planning process. ACIJ’s action research project focuses on enforcing participation as the redevelopment process begins. Together with their community partners, they are using this as an opportunity to build models for participatory governance and effective provision of basic services in informal settlements.

First, ACIJ supports wide participation in “working tables” that bring together residents, government officials, representatives of the judiciary, and legislators. They push for these to be spaces for co-governance where residents can shape plans and policies for their neighborhoods. Second, ACIJ promotes exchange among communities across the river basin to share successful strategies and foster solidarity. Unity across the communities positions them to collectively

demand that the government take a more integrated, consistent approach to the issues affecting the neighborhoods.

While the wins in court established a valuable precedent recognizing environmental rights, it has been difficult to translate the rulings into concrete improvements in daily life in the informal settlements. ACIJ is working with residents to assess the level of compliance with the ruling by monitoring the impact of resettlement and the provision of new housing as well as living conditions in the affected neighborhoods. They are also exploring a partnership with the Attorney General’s office to evaluate the implementation of the court ruling which would create a direct channel for sharing findings with the Supreme Court. Given the slow progress on implementation, ACIJ’s research seeks to understand the benefits and challenges of legal strategies that rely on the courts. Last year, national elections brought a right wing government to power, radically **altering the political context** and creating new challenges for securing progressive redevelopment policies in the river basin.



CREATING OR EXPANDING SPACES FOR PUBLIC PARTICIPATION

One pathway to change is to expand opportunities for communities to make decisions about the issues that affect them. This includes activating existing mechanisms for community participation and creating new spaces to engage with public institutions. However, getting community members at the table is only half the battle. Power dynamics between the people and institutions present actively close down – or sometimes, open up – opportunities for local voices to influence decisions. Public institutions often merely give lip service to public participation; or worse, they use formal spaces for participation to dismiss or co-opt opposition from local communities.

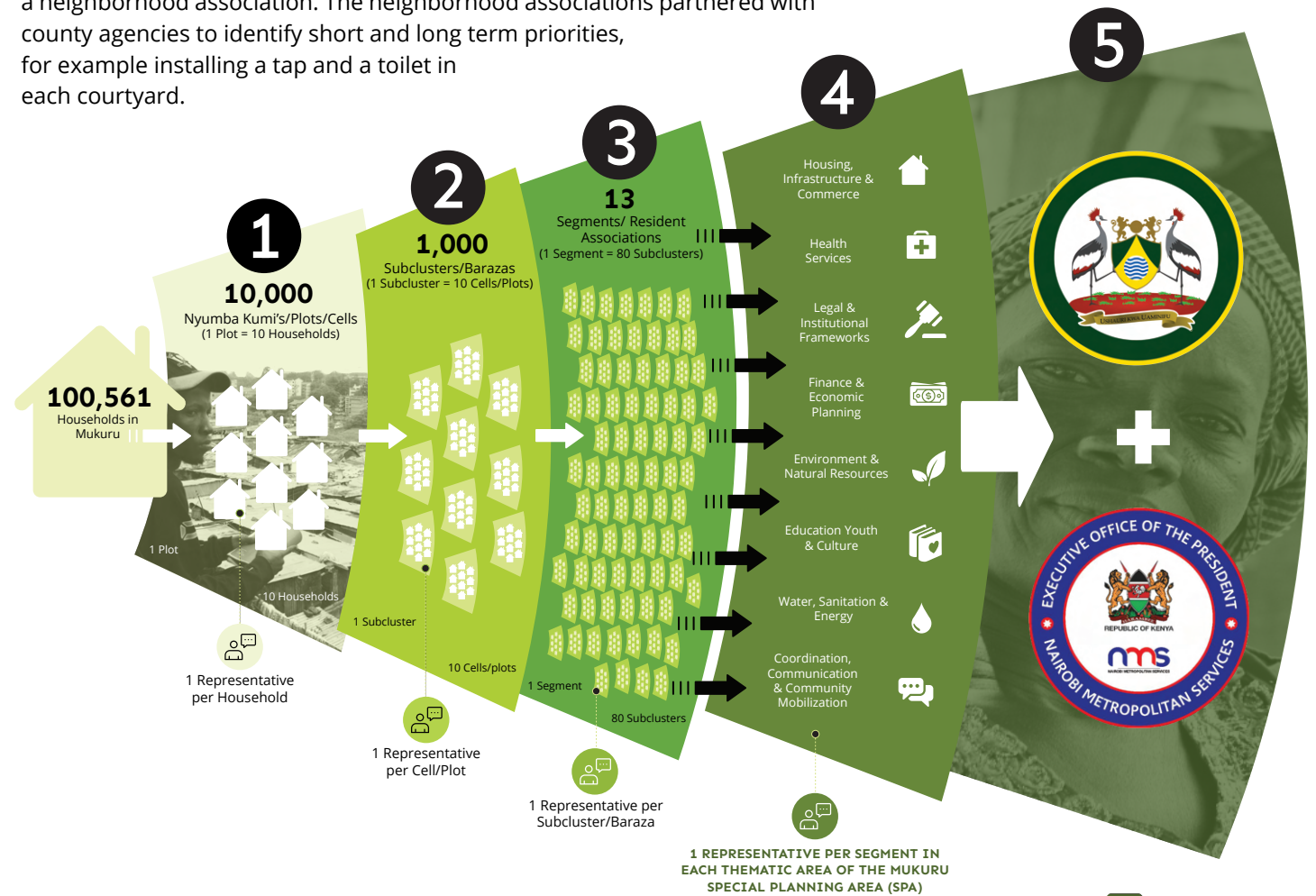
At the core, participation is about struggles over legitimacy,

and spaces for participation are constantly opening, closing, and being transformed as diverse actors try to assert power within them. It's useful to distinguish between "invited spaces" created by the government or other authorities and "claimed spaces" created by communities on their own initiative. Experience has shown that whoever creates the space is more likely to have power within it.⁵ This is the heart of the challenge that inspired Muungano wa Wanavijiji / Akiba Mashinani Trust (AMT) to develop an innovative, community-led process for slum upgrading.

Across the world, urban planning agencies ignore the needs of cities' poorest residents or impose top-down plans that don't respond to the lived realities of slum dwellers. In Nairobi, the Community and Neighborhood Association Engagement Act adopted by the county assembly in 2016 devolved power over some public services to local communities. The law creates an opportunity for communities to manage local development, but in practice implementation was uneven. While wealthier neighborhoods were able to

AMT PARTICIPATORY PLANNING IN INFORMAL SETTLEMENTS

When Mukuru was declared a special planning area, Akiba Mashinani Trust seized the opportunity to radically expand community participation in decision-making about public services. AMT crafted a plan that would allow all 100,000 households to have a say. They created a structure that started with 10 households around a common courtyard identifying priorities and then selecting a representative to join a "baraza" or cluster meeting. One person was then selected from each baraza to become a representative in a neighborhood association. The neighborhood associations partnered with county agencies to identify short and long term priorities, for example installing a tap and a toilet in each courtyard.



THE "POVERTY PENALTY"

Mukuru's residents pay 3 to 4 times more for lower quality services compared to nearby middle-class areas. For example, they pay 140% more for electricity and 300% more for water.

ON AVERAGE,
230
households share 1 tap.

67
people share each toilet.

60%
of Nairobi's population now lives in slums.



organize associations to provide services like garbage collection in response to the failure of the city administration, cartels maintained tight control over access to services in informal settlements and set prices at extortionary levels.

Muongano / AMT began by shifting the narrative around development in slums. Using community-led research, they found that poor people paid significantly more for access to water and electricity than those living in Nairobi's leafy suburbs, a phenomenon that AMT calls a "poverty penalty"⁶. These services are provided through unauthorized connections with massive profits going to middlemen – and significant financial losses for government service providers. They framed the status quo as lose-lose for residents and the county.

- Photo Source: AMT.

Showing that Mukuru's informal settlements are a KSH 7 billion (50+ million USD) economy and highlighting residents' ability to pay for services helped get the attention of the Nairobi County government. After residents rallied further support during the 2017 general elections, the county agreed to declare a Special Planning Area for the settlement of Mukuru. AMT seized this as an opportunity to support residents to identify priorities and shape decision-making about their neighborhood. In the process, they demonstrated an **innovative, practical approach** to activating the right to public participation enshrined in the Kenyan Constitution.⁷

What does robust participation look like at scale?

The conventional approach to participation is to go to the chief's office and inform him that a new project wants to collect data on health, for example. The chief then calls a group of elders to come and offer their perspectives. The same small group is tapped again and again to provide input on plans for their neighborhood. Muongano/AMT wanted to move

away from this small group driving the discussion. Instead, they came up with an approach for every household in the settlement to participate in defining priorities for development. Working with a coalition of partners, Muongano/AMT and Slum Dwellers International-Kenya developed a nested structure for participatory planning. The process started with deliberation among ten households that share a common courtyard. Next, each plot chose a representative to attend a "baraza" or community meeting to discuss with households from 10 other neighboring plots.

Community mobilizers shared data collected with the community as an input to the discussions. Together, residents identified the challenges their community faced related to water and sanitation, education, infrastructure, and more. Each baraza then chose someone to represent them in a neighborhood association for each zone of Mukuru.

Representatives from each neighborhood association became part of a platform of engagement with county agencies organized around seven sectors, including



A map of Mukuru showing the areas represented by neighborhood associations in each of three zones. Photo source: Mukuru People's Manifesto.



housing and infrastructure, water and sanitation, and legal and institutional frameworks. In dialogue with each county department and a coalition of partners and technical experts, residents created a local development plan with short and long-term priorities for each sector.⁸ One top priority for the first phase was to install a tap and a toilet in each courtyard. The participatory planning process took more than two years to organize and roll out, but the time invested was more than worth the effort. Deep participation across the entire settlement enabled residents to deliberate on priorities and create a shared vision for their community.

They didn't stop there. To demand that the County Assembly adopt the plan and allocate the resources necessary to bring

it to life, residents organized town hall meetings where they presented the **Mukuru People's Manifesto** to candidates for the county assembly, parliament, and county governor before national elections in August 2022. The manifesto called for them to commit to implementing the Mukuru Special Planning Area Development Plan. They secured signatures from leading candidates for each office. Following the election, community representatives followed up with their newly elected officials to prompt action. To date, there are over 50 kilometers of roads already under construction in Mukuru and each courtyard is getting access to electricity, safe drinking water, and toilets connected to a sewer network.

The Mukuru participatory planning demonstrated how participation can be scaled effectively. It also set a precedent for other cities, with several now exploring Special Planning Areas as a framework for expanding services in informal settlements. In their current action research project, AMT is working with the People's Process on Housing



and Poverty in Zambia to adapt the approach to the Ipusukilo settlement. They are also using community-led research to generate solutions to other thorny challenges around land rights and arrangements between landowners, structure owners, and tenants in informal settlements.

Residents' power to drive participatory planning in Mukuru shows what is possible when communities self-organize. They designed spaces for deliberation based on existing relationships (starting with households around a shared courtyard) and processes for decision-making that built on existing forms of community governance (barazas). AMT then helped connect these spaces for bottom-up participation with forums for joint planning with the government agencies



responsible for providing services. Participation became a powerful form of collective action – coming together to define priorities and communicate them to authorities with a united voice.

As invited spaces for participation are established, communities and social movements can breathe life into them by using them to make concrete demands. They can also creatively claim other spaces to put forward new demands, for example, using the Mukuru People's Manifesto and town halls with candidates to secure commitments to move forward with the local development plan created through the planning process. Muungano, AMT, and communities in Mukuru showed incredible staying power, adapting nimbly as the opportunities for engagement shifted.



Centre for Human Rights Education, Advice and Assistance (CHREAA) and Southern Africa Litigation Centre (SALC)

COLLABORATING WITH STATE AGENCIES

There are often opportunities to collaborate with state agencies, particularly where communities' demands align with the mandate of a public institution. Even when they are in tension, it's possible to cultivate champions within institutions. This is an important pathway to deepen democracy: citizens actively engage public institutions to shape decision-making; in turn, those institutions can become more responsive to community priorities and more effective at fulfilling their mandate.

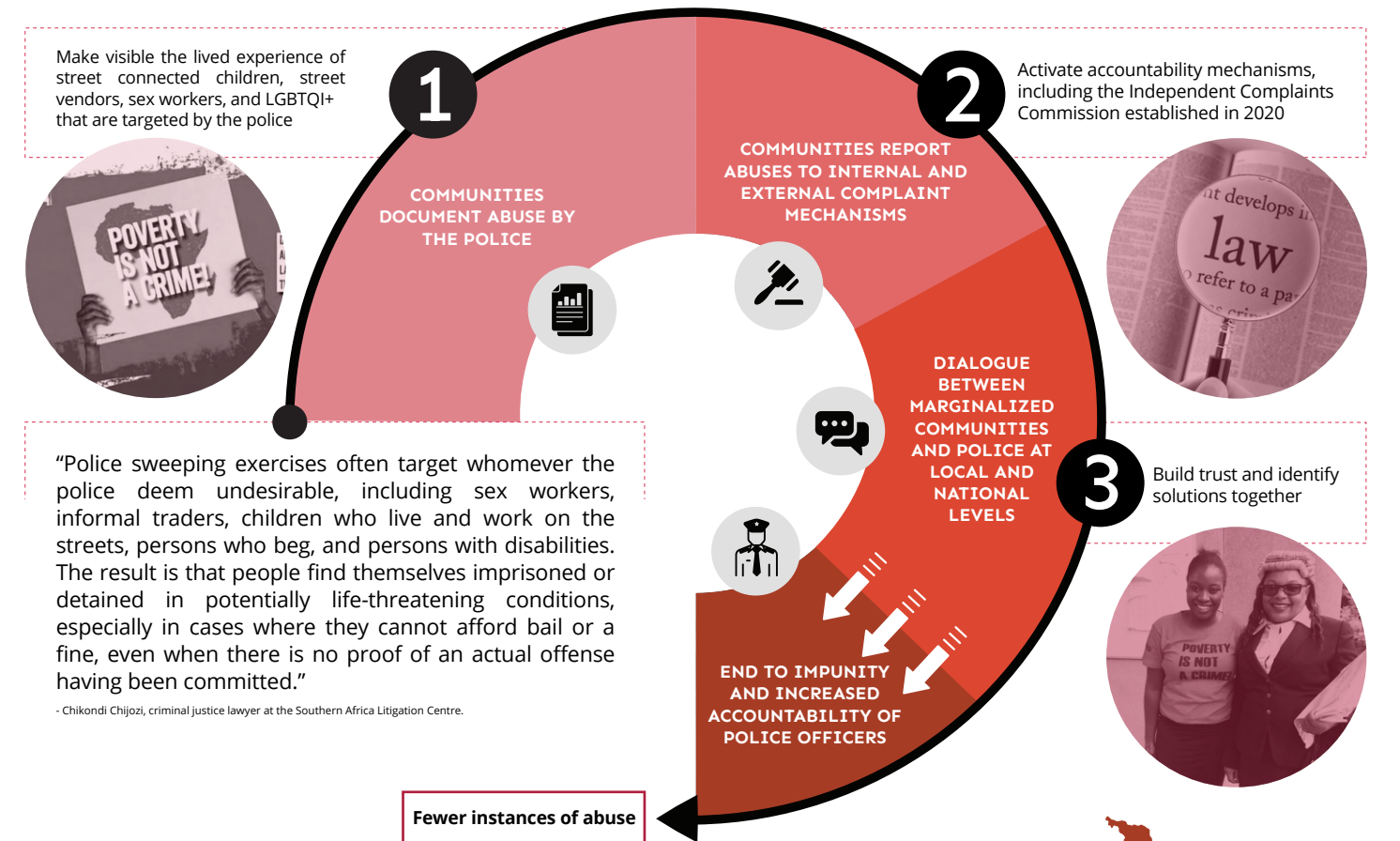
CHREAA's work on police accountability in Malawi offers a surprising and compelling example of the power of this approach. They aim to end

arbitrary arrests and police abuse targeting vulnerable communities. This could easily be perceived as a direct critique of the police. Yet while they don't shy away from calling out abuse, the Centre for Human Rights Education, Advice, and Assistance (CHREAA) and their partner the Southern Africa Litigation Centre (SALC) intentionally framed their project as a way to enhance cooperation, trust, and collaboration between local communities and Malawi Police Services.

CHREAA and SALC engage the police in several creative ways. First, they cultivate champions within the police force. The Inspector General of the Police has been a particularly important ally. As the head of the national police force, the Inspector General is responsible for overseeing disciplinary action for officers in the police force. This means that she and CHREAA have a shared objective of ensuring that policing practices do not violate human rights. The Inspector General is also a crucial champion because her actions help set the tone for Regional Commissioners down to Officers-in Charge who are

CHREAA & SALC CONFRONTING POLICE ABUSE

In Malawi, the Penal Code includes provisions from colonial law against "vagabonds" and "idle and disorderly" persons. Police use these petty offenses to indiscriminately arrest members of poor or lower status communities as part of efforts to "clean up the streets." CHREAA and their partner SALC are using legal empowerment methods to activate accountability mechanisms and prevent abuse. They support street connected communities to document abuses, report them to internal disciplinary boards and the newly established Independent Complaints Commission, and engage in dialogue with police leadership to propose solutions.



1/3 of Malawians reported that they do not trust the police.

50% of female sex workers reported that the police refuse to protect them.

2x People living in poverty are twice as likely to report struggling to get assistance from the police.

25% of sex workers reported being harassed or intimidated by the police.

CHREAA uses a collaborative approach to change the culture of impunity among police. They are shifting the entrenched practices that lead to abuse by cultivating champions among police leadership and creating space for dialogue about solutions.





CHREAA builds allies at other levels too. They develop relationships at every level of the police hierarchy in order to have points of contact situated throughout the system. Whenever possible, CHREAA tries to reach an amicable settlement with the police that addresses communities' demands while building trust. CHREAA also makes a point of publicly recognizing the police when they take action to stop abuse. For example, they released press statements praising the police for arresting one of their own who was accused of sexually assaulting street connected girls and give annual awards to individual officers to recognize outstanding work.

Second, CHREAA demonstrates how dialogue with communities can strengthen the work of public agencies. They start by trying to understand perspectives among the police. CHREAA interviews police officers to hear from them directly and to understand the factors that contribute to abuse. Many officers identified the lack of education on human rights during their initial training at the police academy and the absence of refresher courses for active duty officers as a major factor.

“Police work is based on the orders of senior officers, so that guides our strategic approach of starting at the top, so this can trickle down. For us, a key strength has been ensuring we have a good reputation in the eyes of both citizens and the state - we need access to police stations and trust of the people. We don’t just critique the police. We also praise them when they take positive steps. This makes them more receptive to communities’ concerns and proposed solutions.”

- Ruth Kaima, CHREAA

responsible for managing police stations. After policing practices came under heavy criticism from human rights defenders, the public, and the courts, CHREAA and SALC offered to assist the Inspector General in drafting a circular highlighting best practices for arrests that could be sent to all police stations.

- Photos Source: CHREAA.



Police officers also suggested that ending the practice of shielding the perpetrators of abuse would create a stronger culture of accountability. Surprisingly, they argued for stronger punitive measures, noting that currently the consequences aren't enough to deter repeat offenders. In addition, CHREAA organizes forums for police to hear directly from street connected children, sex workers, and the LGBTQ+ community. These are opportunities for communities to envision and propose solutions.

Finally, when there is a need to challenge the police, CHREAA often works through intermediaries like the media or the state prosecutor's office. For example, the state prosecutor agreed to push for action on a politically sensitive case at their request. This allowed CHREAA to advocate for a resolution while maintaining a good working relationship with the

police. When CHREAA does directly critique police practices, they try to create alliances with another part of the government like the Ministry of Justice or the Ministry of Social Welfare to help mitigate the risk of retaliation. Similarly, if engaging with an officer or district commissioner on a specific case of abuse, CHREAA makes sure they report the issue at a higher level as well to invoke downward pressure for them to comply.

CHREAA's attempt to foster collaboration exists alongside the continued use of directly confrontational approaches like litigation. As one example, CHREAA and SALC initiated a lawsuit for several plaintiffs who had been indicted as part of mass arrests made during a police "sweeping" exercise. In response, in November 2022 the High Court issued a judgment declaring indiscriminate arrests unlawful and in violation of victims' constitutional rights. The ruling set aside the convictions and provided for victims of the arrests to be compensated. Importantly, the court also ordered police services to develop standard operating procedures for arrests and to review its training curriculum for police officers.

Data on everyday justice problems can be a powerful entry point for engaging with government agencies.

Information on communities' lived experience is often missing from official data.⁹ Several of the projects in the cohort are using community-generated data to build a collective understanding among communities of patterns of abuse or rights violations. In the aggregate, grassroots data on rights violations shows how the law works in practice, revealing where public systems that are meant to protect rights break down. It offers a powerful source of learning and evidence about which reforms are needed. Communities can also use the data to demand action from state agencies. Combining data with **storytelling** that captures communities' lived experience can be particularly powerful.

Justice and Empowerment Initiatives trained residents in informal settlements across five cities in West Africa to conduct an **urban poverty survey**. The survey aims to understand: what are the most urgent justice challenges?

“In 2016 and 2017, we worked with the slum dwellers movement Mungwano to profile several informal settlements, including Mukuru. The challenges people were facing were horrible. We told the city government “this is the data”. It showed the disconnect between the narrative and reality. Local governments often think that civil society fights them, and civil society organizations tend to think that local governments are not interested in working with them. It’s challenging to build alliances, but eventually we found common ground and worked with the county to declare a Special Planning Area for Mukuru. Now the county is actively seeking to work with civil society organizations. It’s important to realize what the government can do, what residents can do, and what civil society can do.”

- Maureen, Akiba Mashinani Trust

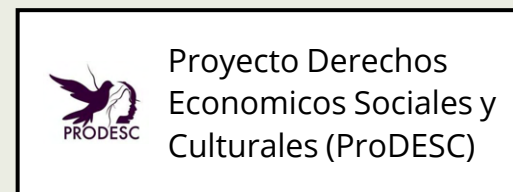
How do they impact families' livelihoods?

Community surveyors ask their neighbors about problems they have faced with the police, housing and shelter, informal livelihoods, access to basic services like electricity, access to identity documents, and more. These daily justice problems can keep residents trapped in poverty. For example, a vendor who sells fruit on the street in Lagos reported that when the police seized his scales, he lost his livelihood because he didn't have the money to replace them.

As they interpret the findings, the community research team invites a wider group of residents to engage with the data. Community surveyors take audio recordings of people sharing their stories of injustice. JEI and the community research team are turning those stories into an audio art installation where residents and people from across Lagos can hear people's experience in their own words. They can then go into the next room and record a story of their own to share. In the process, they are co-creating knowledge about the connection between rights violations and poverty.



- Photo Source: CHREAA.



PREVENTATIVE: TACKLING ISSUES BEFORE THEY ARISE OR ESCALATE

It is not enough to respond to justice problems; to create lasting change, we must address their root causes. Marginalized communities find themselves facing the same harms again and again. Violations of their rights are part of a systemic pattern of discrimination and injustice. Drawing on lessons from communities' struggles for justice, grassroots efforts can look for solutions upstream. In the learning agenda cohort, this takes two forms:

- fostering local deliberative bodies: strengthening local governance and community autonomy over decision-making. In Mexico, ProDESC is activating ejidos, local governance institutions recognized under the agrarian law, and supporting them to

preemptively defend their territory.

- catalyzing proactive monitoring and enforcement by public agencies: activating or expanding the government's mandate to protect community rights. The Centre pour l'Environnement et le Développement (CED) in Cameroon is identifying investment hotspots and engaging environmental regulators to proactively recognize communities' tenure rights and address conflicts.

These forward looking strategies go beyond responding to harms to pursue positive alternatives that enable communities to thrive.

After supporting communities in an investment hotspot to respond to multiple threats to their land, ProDESC began to contemplate how the same methods they had been using to help indigenous and agrarian communities defend their territories could be used as a proactive strategy to prevent future threats in the Yucatan peninsula. Strengthening collective bodies is at the center of ProDESC's preventative strategy.

Prior to the Mexican Revolution of 1910, land was heavily concentrated in the hands of a small number of wealthy landowners. After the revolution, the Agrarian Law of 1915 recognized the land rights of rural communities in the form of ejidos, a communal tenure system with roots in pre-Hispanic times. The Mexican Constitution of 1917 gave ejidos legal status and launched a series of land reforms that sought to address historical inequalities in land ownership by redistributing land to rural communities under the ejido system. By the late 1970s, more than half the national territory had been placed under collective management by ejidos. However, neoliberal policies in the 1980s and 1990s significantly reduced public support for the ejido system and a reform to the agrarian code in 1992 allowed ejido land to be privatized and sold. While ejidos continue to exist, these reforms undermined their role in local governance and in many rural areas led to ejidos becoming dormant.¹⁰

ProDESC first started engaging ejido members as part of efforts to defend local territories against dispossession. When the provincial government of Quintana Roo



created a national protected area around Chichankanab that included territory from several ejidos, the Dzuiché community turned to ProDESC for support. Ejidos hold clear land rights and have strong legal standing to contest land grabs by outside actors. ProDESC worked with the Dzuiché ejido to use an amparo, an extraordinary constitutional appeal filed in federal court, to reaffirm the ejido's land rights and exempt their land from the area claimed by the government.

Strengthening ejidos is a means to proactively claim rights and create a shield against encroachment by private industries. As local institutions for collective governance, ejidos can define rules



for land use in their territory. They can also be a powerful vehicle for collective action. To activate this potential, ProDESC and community leaders developed an organizing strategy that started with home visits and convening monthly general assemblies as a space for deliberation. They then updated the registry of ejido members to expand representation – including women and youth – in the ejido. Extending representation to all residents helps maintain a strong collective, reinforcing an agrarian way of life in the face of pressures for migration and privatization of land.

As a second step, communities took action to protect their territory. ProDESC and communities reviewed maps that overlaid the newly created protected area on ejido lands. The maps helped them see the extent of the threat to their territory and sparked dialogue about their collective vision for the future. Building on the legal victory that returned their land,

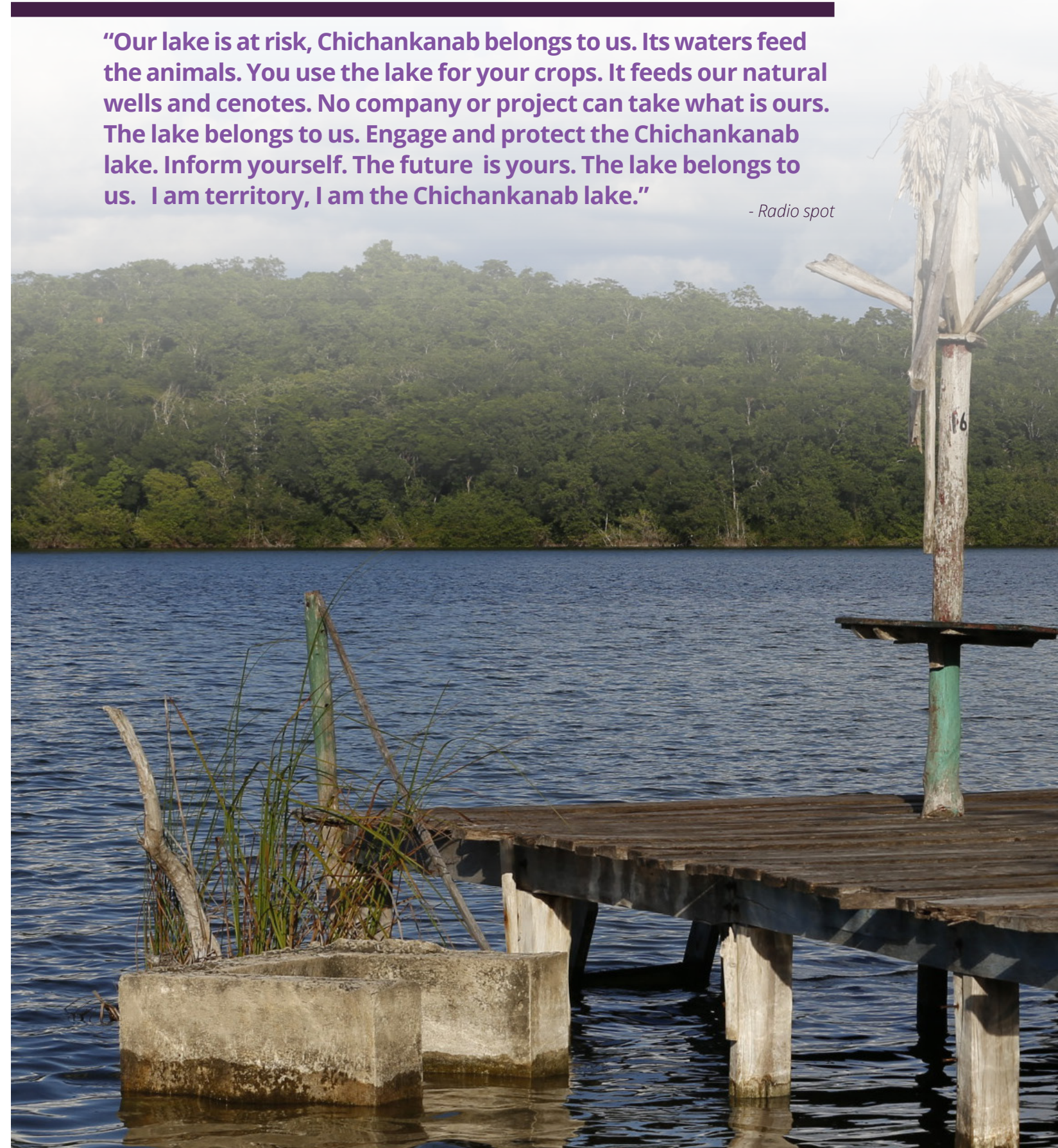
- Photos Source: ProDESC.

the Dzuiché ejido took action to preemptively shield their land from encroachment. In November 2022, the Dzuiché community came together in a general assembly to pass a declaration that prohibits any projects negatively impacting their rights to self-determination and collective governance of ejido land. The other four neighboring ejidos around the Chichankanab lake also passed a similar declaration in the months that followed.

Finally, building alliances across ejidos is another element of the strategy for preventing future threats. Organizing across ejidos surrounding the lake allows communities to speak with one voice and resist expropriation as a united collective. They have learned that they have more power together than alone. ProDESC is supporting the 5 ejidos around the Chichankanab lake to explore the possibilities for formalizing their collaboration as a Union of Ejidos.

“Our lake is at risk, Chichankanab belongs to us. Its waters feed the animals. You use the lake for your crops. It feeds our natural wells and cenotes. No company or project can take what is ours. The lake belongs to us. Engage and protect the Chichankanab lake. Inform yourself. The future is yours. The lake belongs to us. I am territory, I am the Chichankanab lake.”

- Radio spot



Emerging Insights

These examples of the legal empowerment cycle in action highlight several unique levers for driving change. Grassroots justice efforts tap into the power of people's everyday attempts to exercise their rights and channel it toward wider political change in at least three ways.

Legal empowerment efforts identify and document patterns of rights violations. They make injustice visible by highlighting the gap between what's required by law and what happens in practice (an implementation gap). Further, as people come to know and use the law, they develop a grounded, critical analysis of the law by identifying where what is legal falls short of what is just (a policy failure). This enables them to frame the issue in terms of universal values of fairness, equality, and justice.

Legal empowerment methods also offer practical tools for those affected to take action. Communities can use existing rules to claim their rights, drawing on specific provisions in law or policy and using evidence to back up their demand. As they activate public mechanisms, grassroots justice efforts also organize and use direct action to

build power. These tools can be applied at any stage of a struggle for justice – from surfacing a problem to pushing for change to activating newly won policy commitments.

Finally, by combining law and organizing, legal empowerment approaches also create opportunities for communities to find common cause and take action together. They connect individual experiences of injustice by showing that they are part of a larger pattern of systemic abuse or discrimination. And they offer additional options for collective action, for example joint complaints, using evidence to engage public agencies, or activating local governance bodies

As grassroots justice efforts experiment with pathways for translating local struggles into broader systems change, we can

learn from each other to better understand what works, when, and why. Below are some of the burning questions that are front of mind for Network members and grassroots activists, along with initial lessons from the learning agenda. While the action research projects are still ongoing, this is an initial look into practical lessons for the broader field.

Which strategies work to achieve systems change in different contexts? Why?

Getting wins often requires multi-level, coordinated campaigns that use a mix of tactics to target specific political barriers. This includes working across multiple levels of government to engage chains of accountability. Grassroots justice efforts often take an experimental approach that enables them to adapt to local problems and target specific openings for change. The political and institutional context shapes opportunities for advancing change, including the viability of different avenues for reform and which strategies are most likely to be effective. Power analysis can help identify how to effectively leverage specific challenges to generate change.

Both collaborative and adversarial engagement with the state can open space for meaningful change. Legal empowerment efforts generally draw on both at different moments in time or depending on which institutions they are engaging. Being able to move effectively between these two modes of engagement is an important skill for legal empowerment practitioners.¹¹ Almost every organization has found themselves in different positions over time on the spectrum from collaboration to confrontation. For ACIJ, litigation opened up opportunities to work with the municipal government to implement the rulings requiring cleanup of contamination and public participation in the redevelopment of the river basin. In that case, more confrontational approaches led to new spaces for collaboration and engagement. The trajectory went in the other direction for Kituo cha Sheria. They began by collecting data on everyday justice problems in poor communities. However, when this information isn't enough to spark action by the county government, they don't hesitate to amp up the pressure. They turn to the media and litigation to spotlight severe rights violations when needed.

There isn't one direction of movement along the spectrum. Instead, grassroots justice organizations are constantly making a strategic assessment about how to engage based on the political dynamics at play. It's also possible – and sometimes necessary – to engage in both confrontation and collaboration at the same time. Across the learning agenda cohort, many organizations noted that in recent years they have turned more toward collaboration with state institutions. The political sensitivity of the issues they work on and the trend in rising authoritarianism across the

globe is one major factor. Finding opportunities for collaborating with like-minded civil servants or aligned institutions can offer protection when the risks are high.

Grassroots justice efforts are adapting their strategies to navigate repression and closing civic space. In repressive contexts, systems change can mean defending against rollbacks of existing rights and protections. Some of the first legal empowerment efforts emerged in response to repression in apartheid South Africa and under the military dictatorship in the

"There are times you must be ready to confront the government, but then you must be ready for retaliation. What have you put in place to be ready for retaliation?"

- Ruth Kaima, CHREAA

"Legal empowerment practitioners specialize in squeezing justice out of dysfunctional systems. They by no means win every battle, but their combination of advocacy, mediation, education, organizing, and litigation seeks expressly to make even broken systems move."

- Vivek Maru

"We are challenging authorities through litigation at tribunals and courts to demand rights of agrarian and indigenous communities. We collect all the information for the cases, and this information allows the communities to speak with local authorities. At the same time, ProDESC is also asking authorities for information. Dialogue with government authorities is happening in parallel to the litigation."

- Sofia Parra, ProDESC

Philippines. We can learn from the history of these early efforts as we respond to the current wave of rising repression and authoritarianism around the world.

One common strategy is to work in larger **coalitions and networks**. In many places, coalitions for reform are emerging as civil society organizations come together to collectively push for shared goals as a united front. Building alliances also allows civil society groups to diffuse risks. In a recent series of roundtables on closing civic space, participants described working strategically in coalitions where some groups are outspoken and more confrontational, some take a more collaborative approach, and others provide support and protection.

Civil society organizations see **alternative narratives** as an

increasingly important means to counter authoritarianism and backlash against human rights defenders. For example, policy debates at the national level in Chile tend to become polarized around economic development and employment on one side and environmental protection on the other. When these are imagined as two sides of an unresolvable dichotomy, it leads to environmental defenders being labeled as "anti-progress." This legitimizes the use of intimidation and coercion to silence opposition from environmental advocates. FIMA is working with local communities that depend on natural resources for their livelihoods to develop new narratives that challenge this dichotomy. These narratives offer a vision of the future that centers local autonomy and participation. Through storytelling, we can make democracy, human rights, and justice sources of inspiration and hope.

"We're trying to work in a network because we are on the defensive. We came with a progressive agenda of rights, and now this is in retreat in the public discourse. We have to take advantage of alliances and find synergies with what other organizations are doing in order to have more traction – because we are few, there are few resources, and these are going to be difficult years and we have to know how to define the battles. So we are trying not to get tired and, above all, not to tire the communities we work with."

- Catalina Marino, ACIJ



The Indonesia Legal Aid Foundation (YLBHI) is a powerful example of how grassroots justice efforts can adapt to shifts in the political context in which they work.

Founded in 1970, YLBHI was funded by the state for its first decade and focused on providing legal aid to the poor. During the violent New Order regime under Suharto, YLBHI's approach evolved to what they call "structural legal aid". From 1980 until the fall of the dictatorship in 1998, YLBHI partnered with social movements to use legal empowerment as a tool for structural change. In response to widespread repression, YLBHI actively championed democracy and the rule of law. As pressure on the Suharto regime grew, he responded by cracking down on opposition (the crisis phase, 1996-1998). During this period, YLBHI helped establish a wide number of social and political organizations to support change, from local agrarian movements

to new national institutions like Indonesia Corruption Watch and the National Law Reform Consortium. Not only did this help spread risk among multiple efforts, the emergence of these new civil society organizations and social movements set the stage for a transition to democracy. They played a transformative role in opening space for public participation in decision-making in the reform era. After the fall of Suharto, the Indonesian government adopted many of the democratic reforms suggested by activists. However, the work to bring the reforms to life for local communities is still ongoing. Since 1998, YLBHI has focused on playing a strategic role that targets specific gaps in the implementation of democratic reforms.

- Photo Source: YLBHI. The YLBHI team in front of a mural at their office in Jakarta. YLBHI uses social media and art as channels for communities to voice their views.



How can legal empowerment methods best support grassroots movements?

Movement building is a theme that cuts across different strategies. A range of powerful interests work to maintain the status quo. To turn the tide, we need to build countervailing power. Combining law and organizing can foster strong collectives capable of exercising political influence. Transformative change requires political action through grassroots organizing and partnerships with social movements.

Grassroots justice efforts harness the learning and leadership of those directly impacted by injustice to drive change. Communities facing injustice can draw on their experience addressing rights violations to envision,

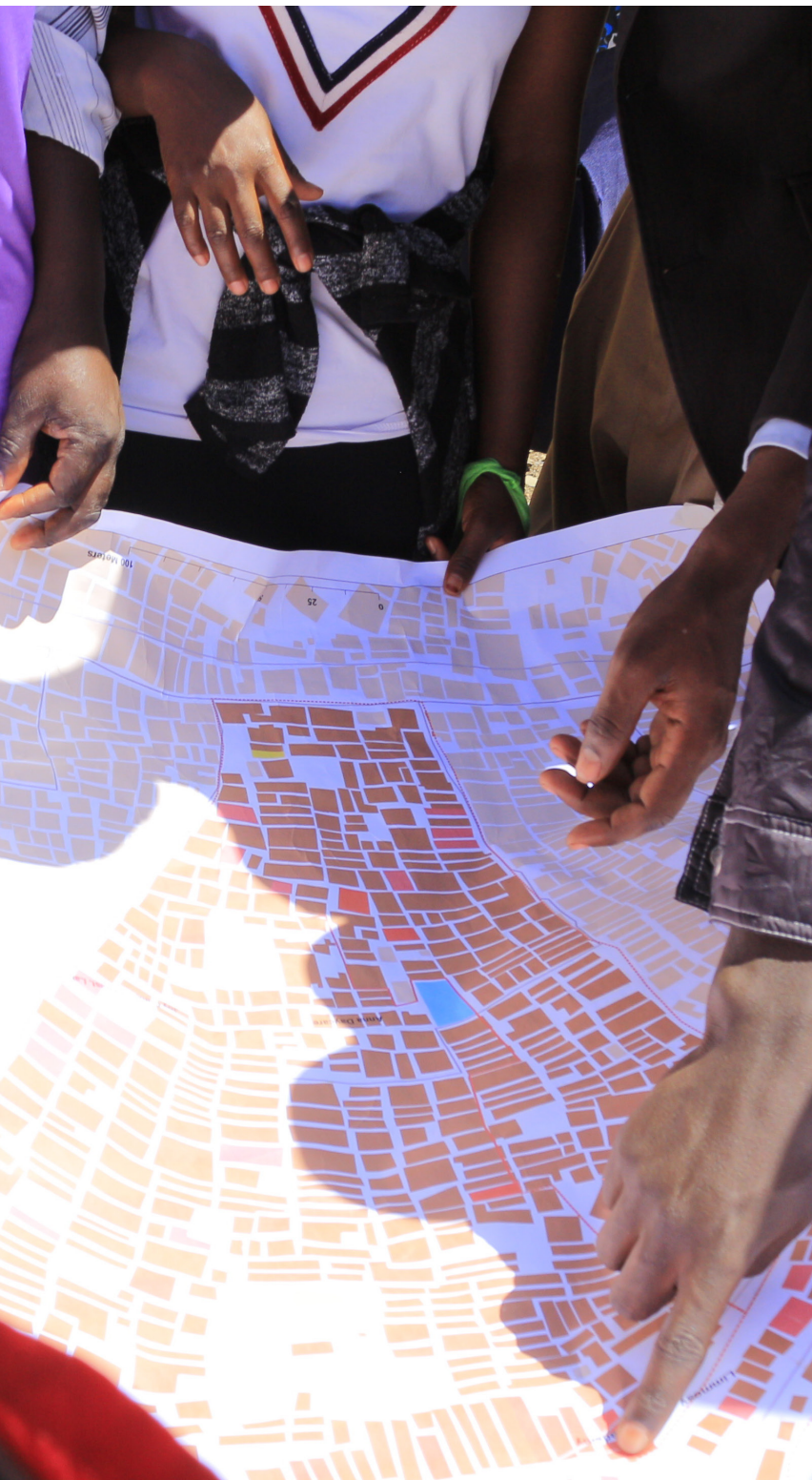
organize around, and win improvements in rules and systems. This is a different way of approaching reform: drawing recommendations and lessons from the experience of ordinary people trying to make the rules and systems work. By comparing their day to day experience to the rights guaranteed under law, communities can pinpoint where reforms are most needed and collectively envision better rules or systems.

Legal empowerment efforts can also transform individual problems into collective demands for justice. As just one example, SALC and CHREAA bring victims of police abuse together to identify solutions and demand action from police leadership. In addition, access to legal support can draw new people into an organizing effort. Some cases organizations ask those receiving legal support to “pay it forward” by helping someone else in their community with a similar problem. This is a creative way to build engagement and leadership while also extending the reach of limited resources for legal support.

Partnering with social movements can unlock significant power. Social movements can catalyze political action on a wider scale, bringing greater visibility and influence to the struggle for justice. Several of the organizations in the learning agenda cohort are exploring opportunities for social movements to support the widespread use of legal empowerment methods among their base, in some cases training thousands to know and use the law. The potential for movements to scale the reach of legal empowerment methods is unparalleled. In turn, the law can be a political resource for social movements to challenge entrenched power. It can play both a tactical role in achieving victories and a symbolic role in framing movement demands as fundamental rights. A legal empowerment approach also offers practical tools that members can use – individually or as a collective – to get traction with administrative institutions. The approach to using existing rules to move administrative agencies to act can usefully complement other forms of political pressure.

While its power is undeniable, community organizing is not without challenges. Many in the cohort noted that building collective power takes time and requires more resources than working on individual cases. At times it also involves a delicate balancing act between short-term and long-term needs or between focusing on individual remedies and efforts to advance a larger common agenda. There is no simple answer to these tradeoffs. Instead, Network members tend to approach them by collectively discussing the pros and cons and staying rooted in a commitment to following the lead of those directly impacted.

"In Lagos, there was a community forum that brought together people from several informal settlements that had experienced evictions. They had a case languishing in court and it became something like an inter-community support group. We realized litigation alone wouldn't help because the case took 20 years to get a judgment that there was no violation of their rights. So we started growing a social movement to confront these mass evictions. Legal empowerment approaches have been at the center of our movement building because everyone wants to know their rights. We've used legal empowerment as a tool for mobilizing by training paralegals."



- Photo Source: AMT.

Once reforms that establish new rights or increase public accountability are achieved, how can they be sustained over time?

Legal empowerment methods offer practical tools for activating rights and overcoming implementation barriers. Too often, communities fight to secure a major policy win or court judgment only to find that it does not translate into concrete outcomes they can see in their daily lives. Going from a win to ongoing, consistent implementation is a major challenge. Several of the research projects offer diverse examples of how to use law and organizing to bridge this gap. For example, CHREAA and SALC are activating new complaints mechanisms by using them in practice while ACIJ is leveraging community-led data to assess compliance and strengthening public participation in new governance institutions as a means to demand action.



Grassroots efforts can prevent violations from recurring by targeting the root causes and shifting power structures.

This is a tall order and it rarely happens through a single campaign. Yet, there are concrete examples of how grassroots justice efforts have changed the status quo, for example by expanding community power in decision-making. YLBHI had considerable success in integrating commitments to public participation and the rule of law in government reforms after the Suharto era. Ironically, this led to new challenges. As former opposition leaders took on public positions and the urgency of political resistance ebbed, the democracy movement lost the momentum needed to hold the government accountable for fully implementing reforms. They are now reinvigorating the networks and social movement structures that catalyzed wider influence.



Going beyond fighting harm to advance a positive vision is often crucial to sustaining change long term. Grassroots justice efforts and social movements are responding to urgent threats. However, change efforts are the most compelling when they are also paired with an alternative vision of what is possible. For example, ProDESC is working with rural communities in Mexico not only to resist harmful external investments but also to advance a vision of communities managing their own territories as a form of resilience and dynamic, community-led development. Similarly, AMT shifted the typical approach to local “participation” by proposing a deeper approach to deliberation and widespread engagement. In the learning agenda cohort, the alternative visions reflect more engaged forms of governance in which communities can shape the decisions that affect their daily lives.

- Photo Source: ProDESC.



“We stand face to face with the state to solve people’s problems.”

- Siti Rahma Mary Herwati, YLBHI

Endnotes

- 1 V. Maru. (2023). *A Pathway to Climate and Environmental Justice*. *American Journal of Law and Equality*, 3, 103-149.
- 2 J. Franco, H. Soliman, and M. R. Cisnero (2018). “Community-based Paralegalism in the Philippines: From Social Movements to Democratization.” In *Community Paralegals and the Pursuit of Justice* (Maru and Gauri, eds), Cambridge University Press.
- 3 See Conteh and Maru (2023). *How Sierra Leone Enacted One of the Most Progressive Land, Climate, and Environmental Justice Laws in the World*. *Environmental Justice*.
- 4 YLBHI had helped to establish ORTAJA a few years earlier to create a forum for farmers to act collectively.
- 5 See the discussion of how invited spaces created by the government differ from spaces that are claimed or created by communities in Gaventa, J. (2006). *Finding the Spaces for Change: A Power Analysis*. *IDS Bulletin* 37(6): 23-33.
- 6 The research was conducted with Strathmore University and the University of Nairobi. See *Unlocking the Poverty Penalty and Up-Scaling the Protection of Rights in Informal Settlements in Kenya* (2020).
- 7 Article 10 of the 2010 Constitution identifies public participation as a key national value and principles of governance. In addition, Article 174 and the Fourth Schedule, Section 2(14), recognize communities’ right to manage their own affairs and require that municipal governments involve communities in local governance. See also the Public Participation Policy (2018).
- 8 AMT and SDI-Kenya mobilized an interdisciplinary team with 42 civil society and research organizations providing support to residents and the county to develop the SPA development plan.
- 9 To learn more, check out ESCR-Net’s “Making Communities Count” and this video they created on data and human rights.
- 10 For example, in the case of Union Hidalgo, a rural community impacted by a commercial wind farm, the ejido had not held a general assembly of members since 1974. See ProDESC (2023), “Defendiendo el viento”: Sistematización de buenas prácticas del acompañamiento a la comunidad de Unión Hidalgo para el desarrollo de procesos organizativos para la defensa de la tierra, el territorio y los bienes naturales.
- 11 Kosack and Fung (2013). Confrontation and Collaboration. Transparency and Accountability Initiative.



Grassroots Justice Network

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