

# Chapter 4

## Overcoming Challenges: Troubleshooting Blockers to Justice

### COMMON CHALLENGES AND RISKS

You will face a number of risks and challenges when you begin advocating for and developing your national justice plan. It is useful to be aware of these challenges and the fact that you may need to address them periodically. The best advocacy requires constant reflection, evaluation and revision to overcome challenges.

Here are some of the most likely challenges and risks you may face as you work to push your national justice plan, along with tips and tricks for overcoming them:

#### IF YOU RUN INTO LOW LEVELS OF POLITICAL WILL AND SUPPORT FOR YOUR PLAN:

- find new allies to champion your cause,
- bring together community members, community paralegals and decision makers to stimulate conversation.

#### IF GOVERNMENT OFFICIALS ARE TELLING YOU THAT THE SDGS ARE NOT IMPORTANT:

- look at statements your government has made at the UN and quote it back to them,
- encourage celebrities and eminent persons support your campaign and the SDGs – the Global Goals campaign has already built an archive of endorsements you can use,<sup>46</sup>
- build community support for the SDGs.

#### IF YOUR GOVERNMENT IS UNWILLING TO WORK WITH CIVIL SOCIETY:

- build relationships with all access to justice stakeholders. Relationships such as these are built over time and through proactive outreach. Be prepared to make these efforts repeatedly; stakeholders that are resistant at first may become more open to collaboration over time.
- display your expertise and value.

#### IF THE PROCESS FOR DEVELOPING YOUR PLAN IS NOT TRANSPARENT AND PARTICIPATORY:

- remind decision makers that the SDGs have promised to be transparent and people centred. Target 16.7 specifically commits to “ensure responsive, inclusive, participatory and representative decision-making at all levels.

#### IF THERE IS A WEAK BASELINE STUDY UNDERLYING YOUR PLAN:

- produce independent data by carrying out an access to justice assessment yourself,
- advocate for new indicators to be introduced so that new baselines can be built.

#### IF YOUR PLAN LACKS PRIORITISATION AND ACTION-ORIENTED PLANNING:

- use the Goal worksheet to encourage action orientated planning,
- ensure that civil society are included during consultations and review.

<sup>46</sup> “Goal 16: Peace, Justice and Strong Institutions. Last accessed September 10, 2016. <http://www.globalgoals.org/global-goals/peace-and-justice/>.

**IF THERE ARE WEAK PARTICIPATORY MECHANISMS  
WEAK PARTICIPATORY MECHANISMS FOR MONI-  
TORING AND EVALUATION:**

- use the SDG national indicators to push for new, ambitious indicators.

**IF THERE IS INADEQUATE COMMITMENT OF  
RESOURCES:**

- carry out resource mapping to ensure that you have sufficient funds to deliver your plan,
- use an interagency approach to pool funds from multiple stakeholders,
- use the SDGs to source new funds from donors and the private sector.

**IF THERE IS A CHANGE OF GOVERNMENT IN YOUR  
COUNTRY AND A LACK OF CONTINUATION OF PRE-  
VIOUS GOVERNMENT PLANS OR PROGRAMS:**

- remember that the SDGs are a 15 year plan of action and that they can provide some level of continuity,
- remember that Planning Commissions and Offices of Statistics should be apolitical and less likely to change plans when a new government is elected.

**IF THERE IS A LACK OF EFFICIENT AND EFFECTIVE  
COORDINATION BETWEEN ALL LEVELS OF YOUR GOV-  
ERNMENT, PARTICULARLY AT THE FEDERAL LEVEL:**

- have an effective interagency working group,
- carry out regional consultations to ensure that regional priorities are addressed by your plan.

**IF THE PLANNING PROCESS FALLS APART AND/OR  
YOUR GOVERNMENT REFUSES TO ADOPT YOUR  
NATIONAL JUSTICE PLAN:**

- remember that you can still pass many relevant laws and policies that would have sat in your justice plan and use the allies you have built to move forward with these reforms,
- reflect on why the process fell apart and consider how you can adapt your strategy to better push for a national justice plan in the future.

**USING REGIONAL AND GLOBAL PLATFORMS  
TO SUPPORT NATIONAL REFORM**

If you are struggling to make headway with your plan at the national level, it is important to think about the regional and global spaces that can help support your advocacy. So far this toolkit has focused on national mechanisms and reforms, but the 2030 Agenda was endorsed as a “unified vision to guide the actions of every country around the world”. In that sense, it is both a national and an international program of action. International actors and processes will remain important to efforts to achieve Goal 16 and deliver access to justice to all.

This section will provide you with an understanding of international actors and review processes. It will also share learnings and ideas on how global and regional platforms can support your advocacy at the national level.

**INTERNATIONAL ACTORS AND PARTNERS**

With a variety of agencies, task-forces and working groups established to support the development and implementation of the SDGs, navigating the international development scene can be complicated. Broadly, there are six key groups working internationally who will be actively engaging with all SDGs, placing additional focus on access to justice and legal empowerment.

**Box 26: Case Study: Justice Reform in Kenya**

In 2015 the legal empowerment NGO, Kituo cha Sheria, the International Commission of Jurists Kenya and the Law Society of Kenya, began advocating for a national justice plan to incorporate the SDG justice targets and existing national justice priorities. Although, their efforts did not result in the passing of a national justice plan, it did result in the passing of Kenya’s first Legal Aid Law which recognises the vital role of legal empowerment to achieve sustainable development. It also resulted in the passing of the Freedom of Information and Community Land Laws. These are all laws that could ultimately sit within a national justice plan.