

**TIP**

Consider the following tactics at each stage of your national justice plan's development:

- **Interagency coordination and cooperation:** ensure all relevant government agencies are included early on and throughout the development process and that there is cooperation across these agencies. Use your stakeholder mapping results to identify all relevant institutions.
- **Common understanding:** create a common understanding within your government on the issues and policies at stake, as well as on the time and energy that will be required to achieve them.
- **Institutionalising civil society engagement:** work to ensure strategic inclusion of non-governmental stakeholders and institutionalise such platforms by forming statutory steering committees or advisory bodies.
- **Evidence building:** emphasise the importance of including your trustworthy legal empowerment data which will deepen your government's understanding on your country's justice issues, how people resolve those issues in light of the recent justice reforms, and how the public may respond to future reforms.
- **Flexible and evolving process:** ensure effective but flexible management of each stage by putting into place mechanisms and language that creates a continuity of multi-stakeholder collaboration and periodic review.

**TIP**

Ensure that your "asks" are supported by the data you have collected. Frame your key asks in terms of what motivates your targeted government official(s). One of their key motivations is sure to be advancing the SDGs. Draw attention to the fact that by helping you, they will also be satisfying their own motivations.

**TIP**

Make sure you set clear goals with specific, measurable, achievable, realistic, and time-bound (SMART) objectives. These should be based on the analysis of the justice situation, a clear understanding of key stakeholders expertise and the availability of resources.

**TIP**

Implement a simple monitoring system to help assess the progress you are making. Evaluating advocacy work can be challenging because many variables affect whether policy change happens and the causes for change—or lack of change—may be unclear. Despite this, regular learning and review will enable you to assess your work and measure the impact you are having on increasing access to justice for disadvantaged people.

## CONSIDER THE STAGES OF A NATIONAL JUSTICE PLAN IN YOUR ADVOCACY STRATEGY

### CONSULTATIONS AND MAPPING

In this stage, you should consult with relevant stakeholders on the key justice issues you are seeking to address and the potential policy solutions. If you have gone through the tools in this toolkit, you will have already carried out access to justice assessments and mapped out the roles and responsibilities of different stakeholders. However, alongside your own consultations, you must encourage your government to start a process of extensive stakeholder consultation. Your government should particularly look to consult with those who are already engaged in work focused on legal empowerment and the provision of basic legal services to poor and vulnerable groups. Governments are well placed to support and carry out national consultations, but may need help with designing these consultations.

If you did not partner with your government when you developed your gap analysis, you should share your analysis with them at this stage. You should also encourage them to review or even undertake their own gap analysis to ensure that they agree with the policy reforms you have identified.

**TIP**

As part of your mapping, review what your government has supported at the UN. All speeches and remarks made during the SDG negotiations are available to the public. Find out what your government's stated position is online. Quite often diplomats and heads of state make promises at the UN, which are not publicised at home. They may have made commitments that can support your advocacy efforts.

### Building allies

During the consultation and mapping stage, look to build alliances with those who will support your national justice plan. Gap and stakeholder analysis results will help determine which individuals you should consider targeting with your advocacy. Targets should include decision-makers within the government and in relevant justice organisations who have the power to create a national justice plan and push forward reforms. You will have both allies and opponents within these targets, so you will need to tailor your approach when dealing with each group.

For stakeholders who are already aligned with your position, include strategies persuading them to take action.<sup>38</sup> Strategies for dealing with opponents include persuading them to support your policy change, reducing their credibility by refuting their positions and finding any existing common ground.<sup>39</sup>

Government agencies are made up of different people with different priorities. Although some government officials may not be keen to partner with you, you can look for “champions” who are willing to help move your agenda forward. Even if one or more of these stakeholders is hostile or indifferent, remain open to collaboration and proactively seek to include them in your work so that, over time, they may come to better understand and appreciate your contributions.

Relationships such as these are built over time and through proactive outreach. Start by requesting meetings with the heads of government offices, organisations, or other stakeholders, explaining that you would like to hear more about their work in the justice sector and look for ways to potentially collaborate in a way that enhances the impact of their work. Invite other stakeholders to co-host or participate in events you hold. Invite their input when you are planning and implementing a new project, even if that simply means having a meeting to explain the new project as a courtesy to them. Actively participate when they invite your organisation to take part in projects or activities they have planned. Plan roundtable meetings or other events designed to bring many stakeholders together at once, which may make participation by high-level officials more likely.

Be prepared to make these efforts repeatedly; stakeholders that are resistant at first may become more open to collaboration over time. It may take months or years to build strong, productive relationships, but it will make all stakeholders’ work more nuanced and impactful in the long term. Developing a national justice plan or a sector-specific justice plan is too-large an undertaking for one CSO to effectively do it all; having relationships with all relevant stakeholders is key to drafting plans that are comprehensive, targeted, and have the necessary buy-in to succeed.

**TIP**

Building sustainable stakeholder relationships with regular interaction builds trust and offers opportunities to learn from one another and gain a more holistic view of legal empowerment issues, as well as making space for both formal and informal collaboration. Relationships between non-government stakeholders can be particularly important in the face of a hostile or indifferent government.

<sup>38</sup> Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners, 39.

<sup>39</sup> Ibid.

## Box 15: Illustrative questions

Here are some illustrative questions to help plan your engagement with advocacy targets who are opponents and allies:

### OPPONENTS:

- Why do they oppose you?
- How actively will they oppose you? Will they be reactive (just counteracting your moves) or proactive?
- What will they do to challenge you? What battleground are they likely to choose?
- How much power do they have (money, influence, numbers)?
- What are their strategies and tactics?
- What are their policies and beliefs? Are there areas where you might agree?
- Who influences them? Who is influenced by them?

### ALLIES:

- How much do they support your advocacy issue?
- Do they have any misgivings about your advocacy campaign? If so, what are they?
- What do they hope to gain from the advocacy?
- How well resourced are they in terms of the campaign?
- What are they willing to do to support the campaign?
- How involved and informed do they expect to be?
- Do they have issues with any other prospective allies?

## Box 16: Case Study: building relationships in the West Bank

The International Legal Foundation established its program in the West Bank in 2010, providing criminal legal aid services to poor and vulnerable accused through well-trained local defence lawyers. Since its creation, ILF-West Bank has developed productive relationships with key stakeholders including ministry officials, judges, criminal legal aid providers and the Palestinian Bar Association (PBA).

ILF-West Bank developed a reputation for expertise in criminal legal aid by not only training its own employees to provide quality services, but also partnering with the PBA and others to provide ongoing training to private defence lawyers, prosecutors, police, and judges on the rights of the accused. The organisation operates clinical education programs and has co-published a report analysing access to justice and access to counsel for juvenile accused in the West Bank as well as multiple internal reports to the Ministry of Justice on topics such as potential legal aid delivery models.

The relationships that ILF-West Bank has built over years help other stakeholders trust the organisation's intentions and expertise, which makes all projects—from advocating specifically for access to criminal legal aid to advocating for government planning around access to justice and the SDGs—more likely to be successful.

## Box 17: Case Study: Kenya's national justice meeting

In Kenya, partners from civil society and the National Human Rights Commission conducted a stakeholder mapping analysis to find new allies within the government who could help push forward a new national justice plan. The relationship between civil society and traditional justice actors in the government had become strained so new allies were needed to push forward reforms. The working group identified the Kenyan Parliamentary Human Rights Caucus (KPHRC) and its members as potential allies. Civil society reached out to this group, educated them on the SDGs and Goal 16, and demonstrated how a national justice plan would help achieve KPHRC's own objectives to secure human rights for all. In a few short months, these parliamentarians became huge allies and agreed to co-sponsor a national justice meeting to plan for countrywide justice reforms.

### TIP

Bringing together decision makers and practitioners is a useful way to build support for your advocacy cause. Many decision makers may be unsure or distrustful of the concept of legal empowerment. By educating decision makers on how legal empowerment has helped to tackle injustice and achieve development outcomes in your country, you can begin to build allies for your cause.

### TIP

Be aware that new appointments or departments may have been set up specifically to lead on the SDGs. You should consider such appointees as advocacy targets even if they have no previous experience working with access to justice and legal empowerment issues.

### Creating a working group

As outlined earlier in the toolkit, it is important that you create a working group to steer the development, adoption and implementation of your national justice plan. This should occur during the consultation and mapping stage. As you work to build allies, you should identify a lead agency who can steer the process and champion access to justice. This agency will vary from country to country. For example, in Indonesia, the lead agency is the Planning Commission, but in Nepal, it is the Supreme Court.

The lead agency should be given the necessary competences and financial means to convene meetings, lead the internal and external consultations and coordinate the drafting process. A member of civil society should be given a senior role to ensure collaboration throughout the process.

Together, members of the working group should agree on the group's structure, competences, and working procedures. Even informal coalitions should have agreed upon terms of reference.

### Building momentum

As you are collecting all of the relevant information and putting the necessary structures into place, you should also be building momentum around your national justice plan. There are a number of commonly used advocacy tactics that will help you build momentum. This section touches on a number of these tactics, including the hosting of a national justice meeting. National justice meetings are a useful way of bringing stakeholders together so that they can make a commitment to promoting your national justice plan.

Here are some advocacy tactics you should consider as you call for a national justice plan:

- **Lobbying:** includes informal or formal face-to-face meetings and advocacy letters or emails. You should present the findings of your access to justice assessment and gap analysis during these meetings to help frame discussions on what can be done to improve your country's justice situation.
- **Campaigning:** campaigning involves engaging in a series of activities to mobilise the public to rally behind your justice issue or join your particular call for the promotion of access to justice. A good campaign grows public awareness of the issue, motivates people to act and builds people's ongoing support by showing progress. Consider having an influential person support your cause. A respected voice is a great way to ensure that your campaign has credibility and could increase interest around your launch.
- **Working with the media:** mass communication is needed to spread your advocacy message across the country. Working with the media will help you effectively reach the public, potential supporters and policy practitioners with your message. Consider writing articles on the SDGs and why they can help promote justice reforms. You can also share your own research to support in-depth investigative reports on your campaign.
- **Influencing policy:** consider ways you can start to influence national policies, which could ultimately be contained in a national justice plan. Tactics to consider include: (1)

### Box 18: Case Study: The US' White House Legal Aid Interagency Roundtable

Recognising that Goal 16 is essential to end extreme poverty and ensure sustainable development, the U.S President issued a Presidential Memorandum formally establishing the White House Legal Aid Interagency Roundtable (WH-LAIR) on the eve of the 2015 UN Sustainable Development Summit. This effort is co-led by the White House Domestic Policy Council and the U.S. Department of Justice (DOJ), staffed by DOJ's Office for Access to Justice (ATJ) and it has twenty-two participating federal agencies. It works to integrate legal aid into federal programs that increase access to health care, housing, education, employment, family stability and public safety, where doing so improves federal programs and enhances justice in U.S. communities. WH-LAIR does this by bringing together federal agencies to inspire new collaborations and importantly, the Presidential Memorandum tasked the interagency effort with assisting the U.S. with implementing Goal 16.

WH-LAIR includes civil society in all of its strategic processes and through regular consultations.

providing SDG and access to justice training for policymakers; (2) commenting on draft policy documents, especially any new SDG or justice policy; (3) organising policy seminars; (4) creating publications on policy issues and (5) piloting alternative policy approaches.

You can use any of these methods individually or jointly. By using a combination of these methods you will build the influence you will need to push for your national justice plan.

### Holding a national justice meeting

A national justice meeting is a useful way of bringing key stakeholders together to discuss key justice issues in your country, the implications of the SDGs, and to brainstorm solutions. A national justice plan should be introduced as one possible solution, which would allow for multiple laws and reforms to be passed to meet Goal 16 commitments.

Ensure that you seek out a diverse group of participants and allow enough time for the group to come to a consensus on the best way to increase legal empowerment and access in your country. Remember, for many participants, this will be the first time they are hearing about the SDGs. Ensure that your agenda allows for learning as well as discussions.

The purpose of a national justice meeting is to obtain a political commitment for your national justice plan and to have your government commit to the specific themes or policies this plan will cover. Examples of a political commitment could include the establishment of an “interagency multi-stakeholder working group on access to justice”<sup>40</sup> or a participant agreement to develop and adopt a national policy framework and action plan on access to justice.

**TIP**

Frame your meeting around the SDGs and a priority issue of your government. Your national justice plan should be presented as the solution for resolving this priority issue and for achieving an SDG commitment. For example in the Philippines, an NGO framed their national justice meeting around the “SDGs and Inclusive Growth” because inclusive growth was a top priority for their government.

**TIP**

Ensure that all key stakeholders have met before the meeting and come up with some loosely agreed outcomes for the meetings as without prior consent, it is unlikely that a political commitment will be agreed to. Build in sufficient time for feedback and dialogue as well as presentations.

**TIP**

If a donor agency has a presence in your country or region, you should invite them to your national justice meeting. Their participation will help them become more aware of your national justice plan and how it supports the implementation of national SDG commitments. It will also give them an opportunity to pitch ideas for how they can support the roll out of your national justice plan.

### Box 19: Case Study: The Philippines’ national justice meeting

In the Philippines, the Alternative Law Group (ALG), an umbrella organisation of legal empowerment organisations, spearheaded an advocacy campaign that led to the adoption of a new national justice plan as part of the Philippine Development Plan 2016-2022.

ALG reached out to stakeholders in the National Anti-Poverty Council (NAPC) who agreed to co-develop a strategy to increase justice for the poor in the Philippines.

As the National Development Plan was up for renewal, NAPC suggested that a new section on justice could be added to the plan, instead of creating a stand alone national justice plan. ALG and NAPC convened a National Justice Meeting with 60 stakeholders from civil society and relevant justice organisations. It was agreed that the new national development plan should have a dedicated section on justice.

<sup>40</sup> This is a technical term. At its simplest, this could be formal recognition of your working group and political support from the group to develop a mandate

## Box 20: The opportunity to promote recognition and financing of community-based paralegals

This may be an ideal opportunity for you to advocate for formal recognition of grassroots legal advocates, also known as “community-based paralegals.” Formal recognition might entail the integration of community-based paralegals into a nationwide approach to legal aid, in which paralegals are coordinated, regulated, and funded (at least in part) by an independent legal aid board. It might also entail more sector-specific arrangements with government, such as authorising paralegals to work on specific issues such as land.

Paralegal movements seek formal recognition for a variety of reasons including to make government officials and private actors more responsive to paralegals’ efforts. Recognition can improve prospects for sustainable financing and ensure against fraud and abuse.

On the other hand, state recognition and regulation also poses risks. Too much state involvement can curtail paralegals’ ability to hold the state accountable or unduly influence their work. Pursuing recognition through a legal aid scheme has its own set of risks; it can run into opposition from the private bar, which typically seeks to maintain a monopoly over legal services. Legal aid schemes are underfunded and legal aid providers have to prioritise criminal defence. As such, recognition under a legal aid scheme does not always translate into much-needed funding for paralegals.

As a result, some paralegal movements have sought recognition and financing on a sector-specific basis. Through this route, paralegals have carved a role for themselves within a range of government ministries and organs and are now recognised and supported by labour tribunals, dispute resolution mechanisms for agrarian reform, municipal or local governments, and police stations, among others. Sierra Leone recently won recognition for paralegals in a national land policy, which requires firms investing in land to pay into a basket fund that will support legal representation via paralegals for land-owning communities.

A resilient paralegal movement must delicately balance the need for both recognition and independence. Formal recognition – whether through national legal aid schemes, sectoral departments, or local governments – combined with diverse revenue sources – ideally a mix of domestic financing, development aid, social enterprise, or client contributions – will go a long way toward empowering paralegal groups to strike that balance and achieve large scale, durable impact. It’s worth discussing with your partners which options for recognition and financing make the most strategic sense in your situation.

Excerpted from Varun Gauri and Vivek Maru, *Bringing Law to Life: Community Paralegals and the Pursuit of Justice*.

### PLANNING FOR DELIVERY

#### Defining priorities, roles and responsibilities

After you and your partners have agreed on which policy areas will be covered in your national justice plan, you will need to determine how and when these issues will be addressed. Your working group should have overall responsibility for prioritising which policy issues will be covered. It should collectively decide how to address each issue in the short, medium and long term.

At a most basic level, your plan should require actions across three key areas, including justice system enabling priorities, priority jus-

tice issues and priority groups.<sup>41</sup> Legal empowerment approaches must be at the centre of all stages of this process. Different organisations and actors will have different priority issues that they will wish to see addressed. At this stage, you will need to focus your advocacy on preventing the justice reform you are pushing from being overlooked.

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<sup>41</sup> Your national justice plan should work across these areas with the aim to: (1) improve your justice system’s ability to effectively identify and meet the specific needs of diverse groups (particularly vulnerable groups); (2) eliminate the conditions which cause or perpetuate discrimination and injustice; (3) identify and effectively address the high prevalence of unmet justice needs and relevant risk factors (especially for specific marginalised groups); and (4) identify the factors contributing to increased vulnerability in some groups so that actions can be taken to bring individual justice outcomes to optimal standards.