

## 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.

Once actions are agreed upon; define roles and responsibilities.

Consider:

- who will write the plan,
- how government agencies will feed into this plan,
- how civil society and other actors will feed into the plan,
- how citizens will be made aware of the plan and feedback,
- any legislative process you will have to consider.

### Resource mapping

Resource mapping means assessing the required, and available, resources for developing your national justice plan. Sourcing resources from multiple government agencies, justice organisations and other development partners is of critical importance. No single source will be able to provide all of the resources that will be required to deliver your national justice plan.

Conducting a resource mapping exercise will help you start determining where and how the resources that are needed to deliver your national justice plan are obtained. You can use the OSF's Justice Sector Resource Mapping tools to support this process. Below, you will find an example of how you can use the tool to access a national or local government agencies, such as your country's Ministry of Justice, Judiciary or Office of the Attorney General. You can find tools to assess donor organisations and CSOs in Annex 7.

Name of National/Local Government Agency	
<b>Total Budget:</b>	
<b>Justice Sector Programs:</b>	1. Legal Aid 2. Legal Empowerment/Awareness Raising 3. Anti-Corruption 4. Court Reform 5. Rule of Law 6. Legal Education 7. Research/Monitoring & Evaluation 8. Customary Law 9. Alternative Dispute Resolution 10. Other _____
<b>Program Details</b>	
	<b>Program Name:</b>
	<b>Timeframe:</b>
	<b>Budget:</b>
	<b>Objectives:</b>
	<b>Methodology:</b>
	<b>Selected Achievements:</b>
	<b>Opportunity for Partnership:</b>
	<b>Contacts:</b>

### **Box 21: Case Study: The US' White House Legal Aid Interagency Roundtable (LAIR)**

The U.S.'s LAIR has proven that a well executed, interagency approach to access to justice can reduce costs and increase the effectiveness of legal aid implementation. In the three years LAIR operated before becoming officially established, it significantly improved the U.S.'s A2J's legal aid efforts and launched more than two dozen federal grant programs related to healthcare, citizenship, housing and federal priorities that incorporate legal aid funding to further program goals.

This same approach can and should be used to reduce the cost of increasing access to justice throughout your country by spreading the cost of implementing Goal 16 to various government and non-government partners.

### **Box 22: Case Study: Sustainable financing for basic legal services**

In June 2016, over 80 experts and senior justice sector officials from 19 countries gathered in Ottawa to discuss scaling access to justice to leave no one behind. The conference scrutinised findings of a report entitled *Developing a Portfolio of Financially Sustainable, Scalable Basic Legal Service Models*.\*

This report seeks to set out a path for thinking about how the justice sector could go to scale, by proposing a five-step approach to quantifying the costs and benefits of basic legal services, benchmarking costs against other sectors and considering the extent to which these services are affordable in a particular country. It further breaks down the different ways basic legal services could be financed, before examining the political conditions that enable justice models to be taken to scale.

A number of global working groups were established to "divide and conquer" the areas of need that justice sectors around the world face. These include financing innovations, the role of technology, the political economy of legal services, research methods for measuring justice, and working with customary law systems.

\* This report was prepared by Law and Development Partnership, commissioned by OSF and the International Development Research Centre, available at <https://www.idrc.ca/sites/default/files/sp/Documents%20EN/resources/bls-briefing-paper-en.pdf>

## **DRAFTING YOUR NATIONAL JUSTICE PLAN**

How your national justice plan is drafted will depend on your country's legislative process and the process agreed to by your working group. Regardless of what drafting process your national justice plan will go through, every plan should incorporate some overarching characteristics. The plan should be:

- based on human rights standards,
- comprehensive in scope,
- likely to lead to significant improvements in access to justice,
- a national undertaking,
- grounded in interagency collaboration and coordination,
- action orientated,
- a public document,
- a continuing process,
- international in dimension,
- time bound.