



GRASSROOTS JUSTICE

A NEW MARKET-BASED APPROACH TO LEGAL EMPOWERMENT



ACKNOWLEDGEMENTS

The research team would like to acknowledge all of the NGOs, lawyers, and community paralegals that opened their doors and took time out of their busy schedules to assist in the compilation of the information contained in this report, with special acknowledgment of the Chemonics Land Reform and Farm Restructuring Project in Tajikistan who provided logistical support for the field research.

Author: Tiernan Mennen,
Founder and CEO of Haki

Cover photo: Adam Bernstein

© 2015 Haki
All Rights Reserved



grassroots
justice



EXECUTIVE SUMMARY

In the latest in its white paper series, Haki presents the concept behind its new program, Grassroots Justice. This program steps out of the cycle of donor-funded legal empowerment programs to use market dynamics to increase access to justice. Reflecting on years of experience in access to justice and legal empowerment programming and based on recent field research and ongoing pilots, this white paper calls for a redefinition of the legal empowerment movement to emphasize scale and impact by using self-replicating models that harness local entrepreneurship and a focus on the economic needs of the poor. Beyond the field of access to justice, the Grassroots Justice concept fights poverty by empowering people to protect the rights that are the bedrock of democratic governance, equality and market economies. Many countries have plentiful and often surprisingly robust laws for protecting land, identity, economic, women's and other essential rights, but their enforcement lags. Instead, new and/or well-intentioned laws, policies and programs often create more harm than good by falling prey to elite capture. Single mothers are denied inheritance because they cannot prove paternity of absentee fathers; farmers are evicted from their land because they cannot prove legal ownership; families are denied access to health and school services because they do not have valid identification; workers toil in unsafe conditions because they do not know their rights. Institutions such as surveyors, notaries and local government officers can be utilized to turn good laws in to bad practice that strip the poor and vulnerable of their rights. To combat this elite-capture a strong local legal service sector is needed. Most countries, however, have a scarcity of lawyers that work at the local level and few governments or donors support sustainable systems for protecting rights to accompany the often long, extended legal reform process. Grassroots Justice fills this gap through a model and suite of services and tools that can be replicated by local organizations, legal entrepreneurs and communities to provide a wide availability of legal services at low cost. Grassroots Justice brings intensive legal assistance and empowers local rights holders to counteract local power dynamics that undermine anti-poverty efforts and address the challenges of scale and sustainability that limit international donor projects. Increased rights, in turn, give the poor the security to invest in their assets and human capital, creating the underlying conditions that allow markets to thrive and countries to harness their human capital for sustained growth.



I. INTRODUCTION

Millions of poor around the world are denied the rights, freedoms, public services and economic opportunity that good laws and policy provide because of an inability to access justice -- single mothers are denied inheritance because they cannot prove paternity of absentee fathers; farmers are evicted from their land because they cannot prove legal ownership; families are denied access to health and school services because they do not have valid identification; workers toil in unsafe conditions because they do not know their rights. As global inequality increases, systematic enforcement of rights for the poor and marginalized is one of the most critical challenges to attaining inclusive, sustainable global development. Inequality has now become a chronic, defining characteristic of many countries and will not be reversed until the poor and disadvantaged have the means by which to defend their rights. Unfortunately in most developing countries pro-poor lawyers are too few in number and too costly to assist the poor to defend their rights and fight injustice.

National laws to protect rights are plentiful and often surprisingly robust. Their enforcement is not. New and/or well-intentioned laws can often create more harm than good by falling prey to elite capture. Institutions such as courts, surveyors, notaries, agency officials, and local government officers can be utilized to turn good laws in to bad practice that strips the poor and vulnerable of their rights and hampers economic activity and inclusive growth. This failure of the rule of law has fomented insecurity, increased inequality, and reduced the prospects for sustainable, inclusive economic growth.

Access by the poor to mechanisms for challenging the violation of laws and policies by institutional and private actors is critical to ensuring good laws have their intended effect. But the inefficiency and lack of coverage of courts and the under-development of the legal industry, particularly in rural areas of most developing countries hinders this access. Instead, laws, policies and programs that seek to strengthen the rights of individuals and communities result in the consolidation of assets, services and power by those that have political or economic access to these programs and can manipulate the institutions charged with their implementation. This white paper draws on experiences and detailed analysis of recent land rights and access to justice reform efforts in Tajikistan, Rwanda, Colombia and South Sudan, where national and local elites have been able to circumvent new national policies which are meant to strengthen land tenure and rights protection, often supported by international donors, to increase their personal wealth at the expense of vulnerable populations.



To combat this elite-capture governments and international development programs need to foster strong, independent systems of legal assistance. Most donor efforts, however, do not and even fewer are able to develop and support sustainable systems based on indigenous institutions that are accessible to the poor and able to accompany the often long, extended legal reform processes. To fill this gap, Haki has created a new self-sustaining program called Grassroots Justice that provides local legal assistance to the poor and marginalized communities at a scale previously unimagined and well beyond the means of the current model of international legal empowerment programs. Rather than relying on donor largesse, Grassroots Justice uses social entrepreneurship and market incentives to empower and increase availability of essential legal services that help the poor fight a range of social and economic issues. This white paper presents field research on the Grassroots Justice concept and presents a 10-step mixed model of revenue generation and NGO non-profit operations that reshapes approaches to legal empowerment. The paper then discusses the need for Grassroots Justice and its unique approach and five year plan for realizing legal aid at scale throughout the developing world.

II. FIELD DATA

The Grassroots Justice legal assistance concept is based on field experiences with local organizations across a global range of international development and human rights projects. Recent work in Tajikistan to provide legal assistance for land rights for poor farmers, part of a Chemonics-implemented, USAID-funded land reform project, crystalized the need for a new approach and the method to achieve it. The research conducted in Tajikistan is presented here as part of the growing empirical support for the need and feasibility of the Grassroots Justice model. The analysis includes both national policy and institutional reform and local NGO-led activities, but the crux of the model is focused on the use of market dynamics to expand basic forms of legal assistance most applicable to the justice needs of local vulnerable populations at reduced costs.

Tajikistan is an important case study for the importance of legal assistance for land rights to development and poverty alleviation. Seventy percent of the population lives in rural areas and rural poverty is high at 49%. Agriculture accounts for 75% of total employment and women represent 70% of the labor force in the sector, but 26% of children under five are stunted (low height-for-age) as a result of chronic nutritional deficiency and 24% of women of reproductive age suffer from anemia. Tajikistan is a priority country for combating food insecurity despite its fertile soil, extensive irrigation infrastructure, and



long agricultural history as an exporter of cotton, apricots, and other cash crops.¹ As with many countries, low agricultural production and food insecurity in Tajikistan is not a product of a lack of agricultural know-how, but of insecurity of tenure and constant threat of eviction for small family farms.

Legal aid services in Tajikistan are under-developed and donor-dependent and citizens are generally unaware of their land rights. A series of USAID projects over the past 8+ years have supported local non-governmental organizations to operate Legal Aid Centers (LACs) to (1) provide training program to farmers and other entities dealing with land issues and (2) support the rule of law through the provision of legal services to land users. The goal of this research was to track the progress of these LACs, document their ability to maintain activities without USAID support, and identify strategies for improving sustainability of the LACs.

Field-based research across two regions of Tajikistan – Sughd and Khatlon provinces - identified a number of legal aid best practices, but also revealed persistent obstacles to providing legal services to poor and vulnerable populations. Research in the northern Sughd region identified progress toward sustainability by NGOs supported by grants under previous donor-funded projects that have since ended. Research in the southern Khatlon region looked at new NGOs and the feasibility of introducing approaches to increase sustainability, including taking positive examples and lessons learned from post-donor efforts by NGOs in the Sughd region. While the Khatlon region suffers from greater food insecurity and is generally considered poorer and not as well administered as Sughd region, the obstacles to sustainable legal aid for land rights are similar. Similar positive examples of collaboration between private Bar attorneys and LACs were identified in both regions and examples of *jamoat (county)* government support of *tashabuskors* (paralegals) and LACs was more evident in a few districts in Khatlon, while largely absent in Sughd (partially due to the continued operations from USAID funds). From the response of private lawyers, there did seem to be greater potential for paying farmer clients in Sughd versus Khatlon, where many farmers are still in collective *dekhan* farms or have not yet succeeded in turning their farms into profitable businesses. But even lawyers in Sughd stressed that without donor or government support they struggle to provide legal services to poor farmers. They also indicated that the need for legal services will likely increase if farmers are forced to recertify their alienation rights, as is proposed by draft regulations.

¹ Tajikistan is a priority country for the U.S. Feed the Future presidential initiative.

² A similar model has been implemented by with great success by BRAC in Bangladesh and subsequently introduced in various countries around the world. The BRAC model uses microfinance and microenterprise as an entry point to communities and then uses the profit from these activities to fund legal and other



Specific findings for reach region are detailed below. The findings were used to formulate recommendations, detailed in Section III.

a. Sughd Region

The 15 districts in Sughd have been a focus of previous USAID land and legal aid work, including awareness-raising on farm restructuring with farmers and the provision of legal aid to farmers wanting to establish their individual land rights and form their own farms. Interviews were conducted with a cross-section of counterparts and beneficiaries, including district land committees, LAC NGO staff, other NGOs, individual lawyers, farmers, and *tashabuskors*. The focus of the research here was largely on trying to identify mechanisms that have been put in place since donor support ended in the region to maintain the operation of LACs and legal services to farmers.

Land Committee of Ghonchi. The land committee in Ghonchi discussed the context of *dekhan* farms in the region and their role in providing certificates to farmers that want to start their own individual or family farms. 500 *dekhan* farms were created in Ghonchi in the past few years. The land committee wants to do 1,000 more. Farmers generally know where their land is within a collective farm, because it is indicated on their share, but they do not often get this. Instead they are typically assigned a non-irrigated plot and have to apply to the farm manager for a different piece.

Saodat LAC, Khujand. Saodat was a USAID grant recipient that supported a few of the single most impactful cases on land rights, including a 6 year case against a private/government action that tried to expropriate a woman-owned *dekhan* farm that had set up irrigation. Since the USAID project ended in Sughd, however, they have largely been unable to continue providing legal services to farmers and have reduced to five staff. Instead, they focus on training, agriculture extension services, and microfinance projects with farmers. Local government will often support their trainings, either in-kind or with payment, and larger *dekhan* farms will pay a training fee. The lawyers that used to be part of Saodat now run their own private practices. Saodat still receives requests for legal services from farmers, but refers them to the private lawyers. The lawyers will sometimes be able to take the case if the farmer cannot pay or sometimes will just request the farmer covers their expenses. Their view is that only collective *dekhan* and family farms can afford to pay for a lawyer, but individual farms cannot. Lawyers will negotiate with farms about the fee and if goes to court will negotiate to take a percentage of the judgment, if in their favor. Many cases are difficult as they are against the local government or *dekhan* farm heads and require significant resources and political connections. Success in such cases



was more likely when international actors supported the NGOs, as it raised the profile and likelihood that the case would be tried on the merits rather than corruption.

Human Rights Center, Khujand. HRC provides a range of legal services in Sughd with support from Helvetas/Swiss Development Corporation and other international donors. They provided legal services on various issues – criminal, tax, inheritance, housing, and sometimes on land. Seventy percent of their clients are women. HRC said their lawyers used to be allowed to use up to 30% of their time in private cases taken outside of the office, but that it affected the quality of their work on human rights cases. They now no longer allow private clients and do not charge clients, even if they can pay. All services are free. They indicated that this is partly a conditionality of their donor. HRC has a letter from the government granting them non-profit status. This letter reduces the professional fees they pay as lawyers, as well as their tax burden. It was not exactly clear how much this affected their business model, but it is an issue worthy of consideration for future models. It is important to understand the requirements for classifying and maintaining status as a non-profit. HRC claimed that one of the restrictions from their non-profit status is that they are not allowed to recover fees as a percentage of court damages. Research assistants expressed doubts over this statement.

Center for Defense and Cooperation LAC, Isfara. The director and main lawyer for CDC and former USAID-supported LAC conveyed the success of the program. Their *tashabuskors* were hired by *jamoat* and land committees because of their training and knowledge on land rights. They are active in regulations reform and increasing awareness of government officials on the rights accorded by the land code. Despite not having a funding relationship with the USAID project they remain in regular contact for guidance on pressing legal issues and new developments. The director said that questions on land sales are on the rise and that if the alienability rights re-certification requirement is passed that individual and family farms will potentially have more rights taken from them. The director discussed the role of the government in providing legal aid services and despite the existence of a government legal aid office and Ombudsman institution, government lawyers rarely provide legal services on land or other issues. He does not see local government funding as an option as they often have an antagonistic relationship and any financial dependence on the government could compromise their ability to represent cases against the government. Private lawyers will sometimes take cases for free if they see it as a chance to increase their visibility, normally for cases that push a particular issue or are seen as strategic.

CDC continues to provide free legal consultations and defense services in court, particularly on cases against the government. He says around 20% of individual farmers can afford to



pay for services and closer to 60% of family and collective farms. He was not positive about the possibility of sustaining legal services by charging clients. He sees too many farmers that are unable to afford the legal fees necessary to sustain a purely private practice. Without alternative funding he is unable to provide legal services to the full range of poor farmers that request it. When the NGO receives cases they do evaluate whether the person can afford to pay. This is largely done by appearance and a general knowledge of everyone in the region and their socioeconomic status. No income determination forms or processes are followed other than this. Even if a person can pay it is often only enough to cover the lawyer's expenses not his/her market rate. Fees for cases are negotiated with individual clients and are dependent on three factors: 1. Location, 2. Complexity, and 3. Quantity of work. He learned about the business side of operating a legal practice/NGO with help from trainings by the USAID project. He says there are not many other lawyers that work on land issues, as it's a complicated topic and they have not received the same training.

HRC office, Isfara. This is a one lawyer branch of HRC in Isfara. They work mostly on inheritance, divorce and land, although they refer many cases to CDC. 70% of their clients are women *dekhan* farmers. They also provide consultation workshops in each of the 12 *jamoats* in the district. Half of the questions received at these workshops are land-related, about filling out land application forms. They have taken a few cases to court where the manager of the *dekhan* farm and/or land committee denied a woman's application for land. HRC is donor funded.

Bar Association lawyers and LACs (joint meeting), Khudjand. Met with two lawyers that are members of the regional Bar Association but also provide legal representation for land cases through LACs. They highlighted the issue of debts from old collective farms being transferred to new family and individual farms. They have won many of these cases on behalf of farmers but see it as a persistent issue. They have also represented many farmers that were given non-irrigated land by *dekhan* managers and land committees that was not the land they tilled under the collective farm. The uncertainty of land sales, lease and inheritance due to a lack of implementing regulations is a constant issue that will require legal assistance once regulations are set. There are also various cases around water access for new family farms that have required going to court. In summary, there are and will be a large number of cases and legal needs on behalf of new farms on a range of land-related that will require the assistance of legal aid centers. Many of those clients cannot afford to pay.



The lawyers operate a free legal consultation hotline and occasionally mediate disputes for free. They charge fees for legal representation when the client can afford, although often the client can only pay with farm products or after their crop has been harvested and sold. Lawyers often take cases for future payment that never materializes. They are doubtful about their ability to fully cover the legal needs of poor farmers based on fee for services alone. They indicated that the local Bar association does play a role in supporting cases by providing young lawyers that are conducting internships. If the Bar becomes a stronger advocate for lawyers it would be able to help counter the threat of license-revocation that local governments make to lawyers supporting cases against them. The previous presence of donor projects helped mitigate this threat. They also suggested establishment of a regional advisory center for lawyers that can assist with cases and inform of new developments in the law.

b. Khatlon Region

Khatlon has become a priority region for many donors given its higher level of poverty, food insecurity, still collectivized farms, and shared border with Afghanistan. Capacity in Khatlon, including at the NGO level is generally considered lower, but there are also a number of NGOs and established USAID partners that have a record of success. Field research was conducted to better understand the context in Khatlon, identify best practices, and evaluate what practices from Sughd would be applicable in Khatlon given the context. Detailed interviews with NGO directors, farmers, and local lawyers provided the basis from which to do an analysis of the sustainability of legal aid services, generate recommendations for programming, and develop a series of business models.

Mahbuba LAC, Director and local farmer, Vakhsh. Mahbuba is based in the towns of Vakhsh and Bokhtar and has been providing legal service to women and vulnerable populations since 2006. They have worked with various donors and on topics from gender-based violence to children with disabilities, including some work with the World Bank on land certificate registration. They are now focused primarily on land rights and receive a sub-grant from the NGO Ilhom through the USAID land project. There are three lawyers on staff including the director, a former prosecutor. They receive land case requests daily. A staff member registers the case and she or another lawyer reviews the file. Most requests are from collective farmers that want to leave to start their own farm and need assistance with the certification forms, the process to incorporate or “name” their farm, and to appeal to authorities, as they are often blocked or get no response from the farm manager, *hukumat*, and/or land committee. According to staff, local officials often ignore applications as they want land for themselves. In addition to consultations and basic



assistance with documents, they average around one court case per month. The day before they registered a case with the regional economic court in the Khatlon region capital (Qubadyan) on behalf of a collective farmer whose application for land was denied by the *dekhan* farm manager and the land committee.

Staff said that occasionally farmers can pay, especially the larger family farms, although often the NGO has to give farmers money to help them with the transport costs just to get to the NGO. Lawyers at Mahbuba know from appearance and knowledge of the community which farmers can pay. Last year, Mahbuba received a legal aid request from a larger farm to help with a case against a supplier. Mahbuba was able to successfully represent them and received 8% of the court ordered damages. They have also sent letters to the regional and national government to request funding for their work supporting small farmers, but the government would only support training. The Director said that the Bar Association (which she is a member of) is able to provide law interns to help with cases. They receive no assistance from law schools or law school clinics.

Ilhom LAC lawyer and tashabuskor, Bokhtar office. The Ilhom branch in Bokhtar was established three months ago with LRFRRP support and is run by a single lawyer with *tashabuskors* in a few *jamoats*. In the *tashabuskor's jamoat* alone there are 247 *dekhan* farms. The lawyer said he would theoretically take cases for payment, but has not had the opportunity yet. If it is a complicated case the lawyer said he would have to ask permission from the head office.

Bar Association lawyers, Qubadyan. The Bar Association has its office in the district court building in Qubadyan through a grandfathered agreement. The two lawyers agreed that poorly executed regional land certification done without local input is the main source of disputes. They also receive requests for assistance in applying for certification to land committees. Approximately 35% of cases are land cases. The Bar lawyers estimate that LRFRRP support allows access to legal assistance for 70% of the target population. The volume of cases in their district is high as there are only 5 lawyers for 150,000 residents. The regional Bar Association requires that young lawyers serve as interns for six months before they can practice. They pair them with experienced lawyers, including some NGOs. There is no pro bono requirement established by the Bar for lawyers in the region, but they keep an active list and timesheet of the time lawyers have spent on pro bono cases. Lawyers do not, however, get any tax deductions from their pro bono work. It appears to be entirely voluntary with no ancillary benefits that create incentives for continued work. While the Bar does not receive any support from the government, they say that local government receives annual funds from the central government for legal services, but that



it is never available. The lawyers would also like a regional legal support center to help them with complicated land cases and to stay up to date on changing land laws.

Women of the Farm, LAC, Qubadyan. The NGO Women of the Farm has been working since 2008 to provide legal advice to women on various issues. They provide free legal consultations, court representation and training for *dekhan* farm shareholders over two districts covering 12 *jamoats* and over 1,000 farms. They hold monthly roundtables on land problems in each *jamoat* and work through a network of *tashabuskors* in each *jamoat* that are reimbursed for office supplies. *Jamoat* governments have generally been supportive and provide office space for 10 of the 12 *tashabuskors*.

Women of Tomorrow, LAC, Director, tashabuskors and farmers, Shartuz District. WOT started in 1999 working only with women. Now it provides legal assistance to all groups. They have been working with USAID since 2008 and currently through *tashabuskors* in 8 *jamoats*. They provide a combination of legal consultations and trainings at the local level. There are only two lawyers at the NGO so they often contract outside lawyers to help with cases. Courts will include lawyer fees in their judgment, but it has to be requested by the lawyers. *Tashabuskors* provide various services at the local level – they provide legal education for farmers, help fill out land application requests, and sometimes help farmers appeal to local authorities. *Tashabuskors* are not paid beyond reimbursement for their operating expenses. The division between the services lawyers and *tashabuskors* is clear in the training materials and agreements. They have found that farmers can sometimes pay, but with agriculture products, not cash. The *tashabuskors* felt that farmers would pay for legal assistance provided by them, even if it was a small amount to help with filling out forms. One *tashabuskor* stated: “farmers are used to paying for certain services, such as irrigation, so why would they not pay for legal services that establish their rights?”

c. National-level Policy and Institutions

Chemonics Land Project Legal Advisor. Discussed the role of the Ministry of Justice, Bar Association and other national actors in the provision of legal aid. There is no separate legal aid department at the MOJ, but the MOJ does provide some reimbursement to the Bar Association when their lawyers take a case and apply for reimbursement. Eligible clients for free legal aid, largely public criminal defense, only include youth, women and certain vulnerable populations. The MOJ is considering a new draft legal aid bill that would support legal aid services. But government funded legal aid is not likely as there is no budget for it. Fund would only be possible if international donors contribute to it.



Open Society Foundations Tajikistan. OSF conducted a legal needs survey this past year that identified land issues as the most prevalent legal topic, followed by domestic violence and legal identity. OSF is working on the draft legal aid law with the MOJ. The law is just in the initial stages and needs input from other Ministries. Currently the MOJ wants all legal aid lawyers to be certified by the MOJ. OSF is against this approach and feels an independent commission should oversee who provides legal aid. Helvetas (Swiss Development Cooperation) and UNDP are also supporting the draft legal aid bill. The Ministry of Finance wants donors to fund any legal aid mechanism. MOJ is also considering a draft law on mediation. The MOJ does have criminal public defenders on staff but they are not effective. OSF is also supporting a legal aid center, the Bureau on Human Rights, based in Dushanbe with 10 regional representatives. They plan to train 160 paralegals. Legal clinic work occurred in the past with the National University, but is no longer active.

World Bank Land Certification Program. The World Bank became involved in land certification largely due to the failure of its irrigation water associations. The uncertainty of tenure made new farms and farmers more resistant to pay water fees. The current WB land registration project ends in March 2015 and there are still many *hukumats* that have lists of farms to be restructured. No new projects are in the country partnership strategy.

Ministry of Justice. The MOJ certifies and licenses all lawyers in Tajikistan for a period of 5 years. There are 3,000 lawyers currently in the country. MOJ has an MOU with UNDP to help increase knowledge on the law – provides trainings and seminar. Draft law on advocates was approved by the President and is with the Parliament. It says that legal aid centers should be established in each district (although it doesn't establish a mechanism or budget). The draft law on legal aid services is supposed to set up the specifics of the legal services system. The law is based on the Tajikistan national strategy to reduce poverty. The MOJ is waiting for input on the law from other ministries. As it currently stands, all legal services will be provided by MOJ staff lawyers.

Private lawyer and former judge. MOJ does certification of lawyers at the national level, not the Bar Association. In Dushanbe there is very little interaction with the two Bar Associations. It is possible that the draft law on lawyers activity might create a single national bar association, as a government agency. He feels that government lawyers will not be effective in providing legal aid. They already have a mandate for representation of indigent defendants in criminal cases but do not do a good job. He says government lawyers are not paid or reimbursed enough to actually carry out the investigations and legal work needed to defend. Says a joint donor fund for legal aid would be a good idea if it funds private lawyers and NGOs to do the work and has a committee of government,



donors and NGOs that can operate independently of the government. Also feels that the courts are too corrupt and inefficient. He has started providing an alternative to the courts through arbitration panel services that has been well received by the business sector.

III. RECOMMENDATIONS FOR BRINGING LEGAL AID TO SCALE

Tajikistan is an important case study on bringing legal aid to scale given the large volume and wide-reaching need for legal assistance on land issues. Land law reforms have created a legal environment that allows thousands of farmers to segregate their ownership/use rights from large commercial farms, vestiges of soviet-era collective farms, to create smaller, more efficient family-run farms. As is the case in many developing countries, recent land law and agrarian reforms, including ending state ownership of land, have created strong ownership and use rights for local communities and individuals. These legal reforms present opportunities for greater inclusive, economic activity but also create risks of the newly created rights being usurped by more powerful actors.

Legal assistance for land issues remains a critical component of the farm, economic and social restructuring in Tajikistan to help ensure poor farmers do not have their land dispossessed by more powerful interests. International donors can continue to play a catalytic role to assist the transition of Tajikistan's land regime to a market-based system, but this assistance needs to move toward durable, sustainable solutions that empower local actors. Included in this is the need to support systemic approaches to development of legal aid systems through important legal and institutional reforms at the national level and by enhancing local NGO-based approaches that increase local capacity to sustain legal service provision. The research described in this paper illustrates that a series of reforms supported by a hybrid market-based approach for legal assistance is feasible to meet the demand at scale and ensure protection of land rights in Tajikistan, and beyond. To achieve this, however, donors will have to adopt a drastic change in approach from typical donor-dependent models to make strategic, systemic investments and coordinate concerted efforts to design and advocate for complementary reforms.

In Tajikistan, the reduction in international donor assistance has forced NGOs to find alternative mechanisms for funding legal services. Their efforts provide a window into opportunities to enhance sustainability across the country. Yet they also provide a cautionary tale on the societal and economic realities in Tajikistan for ensuring legal services for the large number of impoverished farmers. Even in Sughd region, where



indices of poverty and malnutrition are lower than Khatlon, there are insufficient resources to provide legal services on land issues given the sheer volume of requests, inability of poor farmers to pay lawyers, and lack of alternative, public funding sources for legal aid. A number of NGOs have found ways to offset costs, including charging fees for services and providing other services to *dekhan* farms and local governments. But there are still significant structural barriers, such as unclear non-profit criteria, no tax deduction platform for public interest cases and a lack of public funding to compensate free representation. Nonetheless, the clear conclusion of this assessment is that these efforts are not sufficient to ensure legal services are widely accessible to poor farmers.

There are many potential legal challenges that can block recognition of individual and family land rights. These challenges are often counter to the law but driven by local dynamics and interests from local governments, local elites and more powerful local economic actors. Often the only mechanism for addressing this power imbalance is through legal action in the courts or administrative institutions largely inaccessible to the poor. For the benefits of rights under new laws to reach their intended population their enforcement needs to be ensured. This is a difficult, intensive task given the lack of a well-developed legal infrastructure, the paucity of lawyers, and the lack of awareness of the target population.

Combining the Tajikistan research presented here with other country experience and comparative international models, we propose a model for scaling legal aid services for land rights regularization that uses an array of mechanisms, including both private and public funding sources to develop a hybrid public/private system based on market dynamics that will extend services to hard to reach populations and more remote villages.

Working through a network of local civil society organizations, public interest lawyers and community-based paralegals the model borrows from concepts of microfinance to provide scale and cost-appropriate services for small land holders. To achieve this we lay out a **10-step series** of reforms and activities that donors, national governments and local NGOs can implement to increase cost effectiveness, expand reach, offset costs, mitigate donor dependence, and begin to build toward a sustainable system for legal aid that protects the rights of citizens, creating the foundations for sustained, inclusive economic growth:

1. Support reforms that facilitate a conducive operating environment

A broader system of state support for legal assistance for poor citizens beyond short-term donor support is needed to ensure sustainability of legal services to protect important rights. This support includes reform of detrimental laws, improvement in regulations, and



systematic joint donor-state funding. Donors can support a number of policy initiatives toward this end:

a. Strengthen non-profit status frameworks for public interest legal aid.

Donors should work with government counterparts and the national tax authorities of countries to determine the criteria and benefits for non-profit status for NGOs providing free legal aid, including application procedure, non-profit eligibility criteria, and tax deductions for non-profit staff that help reduce operating costs and tax burdens, in turn creating an economic climate that allows lawyers to make a living working in legal aid or public interest law. It is important to establish criteria that allow for lawyers and NGOs to retain non-profit status while charging fees for services that recoup operating costs and creates tax deductions for private lawyers that provide pro bono services. Donors can help provide guidance to NGOs on how to obtain this status.

b. Establish a national legal aid system.

A few countries have established publicly-funded legal aid systems that utilize local NGOs as the main implementers. Studies have shown legal aid services under these systems to be the most cost-effective, efficient and fair. The impartiality of these NGOs and protection from political control is typically ensured via an independent legal aid commission or board. An NGO-implemented system also allows for increased impact through more efficient operations and leveraging of private funding and fee for services. In many developing countries donors have jointly fund these systems, with government matching, largely in recognition of the large volume of legal needs and inaccessibility of legal services in countries going through economic and political transitions. Funding support should not be provided to a system that uses government-employed lawyers as providers, as this approach has been shown in other countries to be inefficient, not cost-effective, and biased toward political interests. These systems are most effectively administered by a legal aid commission composed of a cross-section of public officials and civil society that releases tenders, receives applications from interested organizations, makes funding determinations, and reviews performance. Donors should provide legal, technical and management support to establishment of an independent legal aid commission that will administer grants to local NGOs to provide legal aid.

c. Create a donor-supported legal aid fund.

As an incentive toward creating a public-funded, NGO-implemented legal aid system, donors should consider pooling funds into a legal aid trust fund with matching from



national governments. Initial donor support will serve as an endowment from which to build the value of the legal aid fund.

2. Restructure donor-funding to legal aid

Poorly-designed donor support to legal aid can actually undercut legal markets, drive out low-cost lawyers, and reduce the availability of low cost legal service alternatives. An artificially depressed market demand due to the availability of free services, can reduce the ability of other lawyers to enter the market of legal services for the poor. When donor funding ends, organizations are not sustainable and there is no alternative market to provide services for a reduced cost. Donors and donor-funded projects should conduct a careful analysis of the legal aid market before providing funding for free services and should develop more strategic funding mechanisms that encourage the growth of legal aid services and promote sustainability plans for local NGO partners.

At the same time, if designed correctly, donor funding can have an important catalytic effect and establish credibility and strategic support for local legal aid activities, while supplementing other revenue sources. In Tajikistan the reality is that the profitability of individual and family farms is too low and the complexity of legal cases often too high to allow for a purely market approach and payment for all legal needs. A combination of funding from various donors, regional and national governments, and private foundations, law firms or businesses can offset the costs of legal aid and reduce fees. The need for donor funding will likely reduce over time as socioeconomic status improves. NGOs should attempt to identify a range of donors and develop a strategy for appealing to donors, including local and regional governments, based on their interests.

3. Establish effective and sustainable business models for legal aid service providers

The most effective model for sustainable NGO operation will depend on the circumstances in individual countries, including the relative socioeconomic status of local populations. Context will also shift depending on success in creating a publicly-funded legal aid system and policy reforms that increase incentives for pro bono legal support. The three more promising business models, as determined based on field-research in Tajikistan, are presented below. In each case the service provider is registered as a non-profit NGO and thus receives a tax break and potential deduction for pro bono lawyer fees, while retaining profit-based incentives that encourage increased activity and coverage:

Option 1: Non-profit law firm model



Characteristics: non-profit status; parameters for provision of free service based on income determination model; minimum requirements for ratio of free to paid legal services (e.g., <50% of budget covered by fees); tax deductions allowed for pro bono work by lawyers; wide range of legal services and human rights protection.

Cost/Benefit Analysis: Under this model NGOs increase sustainability by relying less on international donor support, while other revenue streams scale up accordingly. NGOs increase their focus on paying clients and taking more strategic cases to court that will likely result in a favorable judgment to pay fees or will establish an important precedent. NGOs should establish fees based on analysis of the capacity of their communities to pay. Fees should also be negotiated on an individual client-by-client basis and based on the difficulty of the case. Under this scenario NGOs are less able to provide day-to-day assistance to poor farmers or others that cannot afford services. They are also likely to take cases beyond land-related issues, including commercial issues and family disputes, in order to cover costs. Donor funding under this model would support legal awareness efforts and representation of poor clients only, as determined by NGO forms that determine income and carefully track time spent on those cases. Given the emphasis on fees for representation NGOs will likely keep less staff in favor of contract attorneys, reducing their ability to provide free legal consultation. One way to offset a lack of legal awareness activities by lawyers is to develop a market-oriented paralegal service, where paralegals are licensed to provide and charge for limited legal services under the supervision of a lawyer. NGO operating costs are covered by a series of factors, including qualification for non-profit status that reduces costs for staff lawyers and tax payments by the NGO and creates incentives for other lawyers to provide tax deductible, pro bono services. NGOs also increase their focus on paying clients and fees from court judgments, allowing for more attention for non-paying, poorer clients. Donor funding will support legal awareness raising and cases for poor clients, ensuring a focus on land issues for the most vulnerable. Due to non-profit requirements and for donor purposes NGOs will need to develop income determination procedures and track the amount of time dedicated to non-paying clients. An assumption under this model is that regulations for non-profit status will still allow for NGOs to have a small subset of paying clients and to receive fees from court judgments, so long as they only cover costs and do not compromise their stated non-profit mission. Broad donor support is envisioned under this model, as non-profit status and coverage of multiple issues will increase appeal. This coincides with a need for NGOs to focus on a variety of legal and human rights topics as a method toward greater sustainability.

Funding Source	Percentage of operating costs		
	Year 1	Year 2	Year 3
International donor support	85%	65%	20%



Self-funding (in-kind, pro bono, tax benefits)	15%	10%	25%
Lawyer fees from strategic court judgments		10%	20%
Paying clients		10%	25%
Trainings and community development activities		5%	10%

Option 2: Public legal aid fund model

Characteristics: Government and/or donors establish a legal aid fund to support NGOs to provide free legal aid services; donor support focuses on fund, not direct grants; non-profit status and emphasis similar to Option 1.

Cost/Benefit Analysis: Under this model donors reduce grant support to NGOs to 5% of operating costs by year 3 of the project, instead contributing the majority of legal aid funding to a legal aid fund established with the Government and other donors that finances legal aid NGOs. This model requires considerable policy and institutional reform support to governments to draft new legal aid legislation that provides for public procurement of these services through a legal aid fund for NGOs, as opposed to government lawyers or offices. However, with the combined support of donors a fund of this sort would have the biggest impact on sustainability of legal aid services for land issues for poor farmers. Under this model, NGOs would have to qualify for legal aid funding, likely through non-profit status and by keeping track of income eligibility of clients. They would be able to complement the free services provided with paid services on a limited basis. This model would incorporate the best aspects of option 1 but with the added benefit of dedicated, sustainable funding for legal aid and awareness raising for poor clients.

Funding Source	Percentage of operating costs		
	Year 1	Year 2	Year 3
International donor grants	85%	60%	5%
Self-funding (in-kind, volunteer)	15%	15%	15%
Lawyer fees from strategic court judgments		10%	10%
Paying clients		10%	10%
Trainings and community development activities		5%	10%
Public-funded legal aid grant			50%

Option 3: Community Development NGO model

Characteristics: Non-legal NGOs that provide other services, such as education, training, agricultural extension support to the community; larger catchment population and access through various services; lawyers hired as needed to provide legal services.



Cost/Benefit Analysis: These are NGOs that provide other services, such as education, training, agricultural extension support to the community. As lawyer do not usually run these NGOs, it will be harder for them to adopt an effective legal services-based scheme. Some can hire lawyers as staff and raise funds through legal service provision but there also could be more effective, alternative revenue sources that they might adopt with better effect.²

Funding Source	Percentage of operating costs		
	Year 1	Year 2	Year 3
International donor grants	85%	60%	20%
Self-funding (in-kind, volunteer)	5%	10%	10%
Lawyer fees from strategic court judgments		10%	15%
Paying clients		5%	15%
Trainings and community development activities	10%	15%	40%

4. Obtain non-profit status.

Most countries have laws that afford tax-free status or tax deductions for not-for-profit organizations. Many legal aid NGOs around the world are accorded non-profit status, which provides them with financial benefits for their work and allows for law firms and private foundations to claim tax deductions for *pro bono* services or donations, thus contributing to the sustainability of free legal aid. All NGOs should apply for this status to reduce or eliminate tax payments, eliminate lawyer license fees, receive reimbursement or tax reductions for pro bono cases, and/or be eligible for future public legal aid funding mechanisms. Donors can support NGOs to investigate how to qualify for this status and apply for tax-free status and the operating and reporting requirements. Depending on the requirements of the law, NGOs will likely have to develop a number of structures and processes that demonstrate their non-profit status:

- a. Establish a mission statement that clearly outlines the not for profit activities of the NGO – i.e., providing free legal services for citizens that cannot otherwise afford them.

² A similar model has been implemented by with great success by BRAC in Bangladesh and subsequently introduced in various countries around the world. The BRAC model uses microfinance and microenterprise as an entry point to communities and then uses the profit from these activities to fund legal and other community services.



- b. To substantiate the mission of the NGO, develop an income determination process for clients to keep a record of how many clients were not able to pay and how this was determined.
- c. Establish the operating budget needs that will be covered by paying clients, including maximum percentage of paid legal services, clearly indicating that fees cover costs only, and do not produce a profit.

5. Provide free legal consultations

All initial legal consultations and legal education activities should be free, both as a fundamental service in the public interest and as a means to augment the client base and knowledge of services through increased awareness of the law and rights. Establishing a free phone hotline for legal consultations can help increase awareness and attract and identify clients.

6. Establish fees for legal services

Many NGOs indicate that there is a willingness of clients to pay for important legal services, such as land titles, fixing identification documents, or contract enforcement. Paying clients are more often larger farms or other middle class families, but even the poor will often pay for services in-kind or with agricultural products, or once a crop is harvested. In fact many clients that were interviewed indicated a preference to pay something for legal services, either because they feel it is fair, want to show their appreciation, or feel it will help ensure they receive better quality service on a topic of importance to them. NGOs can provide a range of legal services for fee such as writing contracts, drafting wills, and providing legal representation for land and property disputes and other issues. They will have to set basic fee schedules for different services according to regulations, but many lawyers have already established these fees schedules as part of their license to practice law. NGOs should begin to explore working with paying clients and establish systems for determining whether a client can pay and negotiating payment and make any alterations necessary to ensure the fees generate enough revenue to support their operations. This is a necessary step for building sustainability and bringing scale to NGO legal services, but it presents a number of extra considerations, options, and extra steps, identified below:

- a. Conduct a survey and assessment of their communities and target populations (the poor and vulnerable) to construct a profile of their ability to pay for legal services, which services, and what amount they could pay. This could be in the form of a simple survey implemented by paralegals.
- b. Craft a strategy for targeting paying clients and devise a locally-specific strategy for outreach to these clients based on an analysis of potential clients. A percentage of



- NGO operating budgets should come from fees negotiated with paying clients and increase each year.
- c. Establish a sliding scale of reasonable standard rates for different income categories and certain services, such as filling out a land certificate application, dispute mediation, challenging an administrative decision, writing a legal brief, etc. Standard rates can be approximated with in-kind or agricultural products.
 - d. Expand legal service offerings to legal issues that affect economic opportunity. NGOs should indicate in their business models how their legal service provision will expand from to legal topics (beyond human rights and other issues prioritized by donors) to help improve revenue generation, access to communities, and sustainability.
 - e. Provide mediation or other dispute resolution services. Mediation is a potentially important service that NGOs can provide to clients, especially businesses, that can increase their revenue generation. Some NGOs are already providing mediation services and many will need to revise their charter to provide mediation services.
 - f. Develop a standard protocol for requesting lawyer fees in court cases, including contingency fees as a percentage of court-imposed damages for winning cases.

7. Expand fee for service model to community-based paralegal networks

Paralegals can potentially play an even greater role as legal extension agents to increase knowledge of legal rights and expand access to affordable NGO services by establishing a fee schedule for certain tasks, such as filling out land application forms, assisting with hearings before administrative bodies, and mediating disputes. This approach would foster creation of a paralegal profession with profit incentives that can both increase the volume of their work and its quality. Clients in Tajikistan and other legal aid programs that utilize well-trained, respected local paralegals have indicated a potential willingness by clients to pay for paralegal services given the high utility of their work, and in many cases are already reimbursing paralegals in-kind for their hard work. This indicates a potential market dynamic that can be harnessed to increase both the breadth of paralegal assistance and quality of service. To ensure responsible uptake of this approach legal aid NGOs and donors should:

- a. Maintain free legal consultations, trainings and general outreach activities of paralegals.
- b. Establish rigorous training, operating and ethics systems and protocols for paralegals working under the supervision of lawyers at NGOs.
- c. Establish guidelines for what defines a paralegal and differentiates between the responsibilities of lawyers and paralegals.



- d. Develop a standard fee schedule for paralegals services.
- e. Create guidelines for becoming a paralegal that establish rules, incentives and structures that facilitate new paralegals entering the profession and their responsible operation.

8. Publish rates and procedures

NGOs should publish rate scales for lawyers and paralegals, once determined, and establish clear guidelines for income determination for transparency of operations, including clear guidelines on income level determination and mechanisms for registering complaints or ethics violations. Create a guideline for establishing rates for more complicated cases (to ultimately be negotiated with clients), using three factors for guiding rates negotiations: 1) location and travel costs, 2) complexity of case, and 3) quantity of work that will have to be provided. NGOs should also identify a record keeping system for income determination of clients. NGOs that currently charge a fee largely determine ability to pay based on knowledge of clients and their appearance. First, a more systematic process with criteria should be established and followed. Second, justification for the decision should be recorded in the clients file. This will help justify and differentiate free cases funded by donors (and potentially government), and services eligible for tax deductions.

9. Pursue strategic court cases

As donor and public funding decreases and the number of potential cases increases, NGOs will have to adjust their strategy to use expensive, expert legal resources more judiciously, particularly for litigation. Successful approaches will identify strategic cases that are either 1) likely to succeed and provide lawyer fees, or 2) cases that could potentially set important precedent and advance strategic issues, 3) or are high-profile and thus have the potential to change behavior and tacit enforcement of relevant land laws and human rights principles.

10. Create and/or expand training services

A number of NGOs provide training to farms, businesses, and local governments on different legal issues relating to taxes, debt, land laws and/or trainings on non-legal issues. Some also mentioned providing training on behalf of local governments and judges. NGOs should be encouraged to identify funding sources for trainings of local government officials, judges, and farms and businesses. Some training might target small farmers and



be subsidized by local governments while other training might target larger businesses or governments and should charge a regular market rate. NGOs should consider hiring a training coordinator/specialist to lead this. An expanded training offering will have the dual purpose of identifying alternative funding options and increasing connections and awareness to increase the potential client base for legal services. NGOs should also develop paid training programs for judges on the new land code and associated regulations in partnership with regional judiciaries. This will provide funding options and help increase awareness of the services NGOs can offer through the judiciary.

IV. GRASSROOTS JUSTICE

Human rights protection, legal assistance and empowerment are recognized as important elements of international development across the globe. However, most if not all development interventions are unsustainable, donor-dependent programs that have limited reach outside of the scope of their funding. The demand for legal services for the poor is too great to be met by donor funds alone. And in many cases, donor-funded approaches combine with national policy and legal restrictions to frustrate further development of market-based approaches.

At the same time, the reforms needed to support comprehensive legal aid for land rights and other crucial issues are often too complex or fraught with political barriers for individual local NGOs to have the necessary impact. Instead, a global platform that can unite local NGOs and increase technical and operational support, backed by donor advocacy and support, can provide additional assistance and bring economies of scale and best practices to expand the volume of services and popular momentum behind key reforms. There is great promise for the use of coordinate, local market approaches to reach this scale.

Through its research and local programming Haki recognized this potential and is now helping piloting projects to further test and refine the methodology described above. Preliminary results indicate that while rights violations and injustice to the poor are producing inequality and undermining inclusive growth, a lack of knowledge, capacity, and intransigent political barriers limit the progress of most right-based organizations. Furthermore, few apply market approaches that can bring the scale needed to reach the large number in need and create the momentum needed for difficult reforms. To implement the full 10-step approach detailed here a more concerted, targeted and



coordinated effort is needed. To respond to this gap Haki has developed the Grassroots Justice program as a unique global community justice initiative to lead development of global standards and provide an operating platform for market-based approaches.

Grassroots Justice is based on the premise that demand for basic legal services for the poor is high and unmatched by supply. Various market failures, such as the high cost of a legal education, restrictions to entry into the legal market, and a lack of pro-poor focused innovations have kept supply artificially low. By developing a cost-effective, easily replicable model Grassroots Justice will tap into a vast, neglected market and in the process provide essential basic legal services to millions of poor and vulnerable. Market-based legal services create financial incentives that increase the quantity of services, demand accountability and improve the quality of services, and empower recipients as paying clients. Grassroots Justice is also unique in that it has the ability to quickly expand and be brought to scale across an existing global network of local legal service organizations. Grassroots Justice builds on Haki’s existing network of local legal empowerment NGOs around the world to collaborate and encourage uptake of market-based principles. Grassroots Justice also works in close partnership with existing international development actors and global law firms to enhance our ability to form coalitions around our objectives.

Similar to the revolution microfinance created in access to credit for the poor, Grassroots Justice has developed a highly-reduced legal service model and methodologies that can be adopted by organizations around the world to make access to justice affordable for all. Grassroots Justice takes the 10-step process and created a suite

Grassroots Justice Services	
Land and property rights.	Legal orientation, counseling, advice and representation to enforcement national property laws to strengthen the rights of the poor over their land and resources.
Mobile land mapping and adjudication.	Mapping, surveying and registration of land parcels and resource rights for poor, indigenous and vulnerable communities and individuals using mobile applications and satellite imagery.
Gender inclusion and equity.	Representation and litigation on behalf of women that have been discriminated at their workplace and for ownership of land and property.
Women’s Inheritance.	Counseling and mediation with families over women’s rights to inheritance of property.
Labor rights.	Investigation and prosecution of labor exploitations, intimidation and dangerous working conditions.
Identification and Access to Public Services.	Legal assistance to access identification documents and to challenge unequal access to public services, particularly for ethnic minorities and female-headed households.
Mediation and Conflict Resolution.	Community mediation and conflict resolution, particularly in conflict-affected environments to rebuild peace and the rule of law.
Legal Education Outreach and Awareness Raising.	Free legal education and legal awareness campaigns to educate citizens on their rights and encourage greater civic engagement.



of tools, templates, trainings, marketing, and technical and management support that allows for legal assistance to be cost-effective and reach a scale that has the potential to transform societies (see below). The core of the Grassroots Justice model uses local entrepreneurs, community organizations and paralegals to charge small fees for basic, but essential legal services such as land ownership registration, land dispute resolution, inheritance, work discrimination against women, administrative appeals for access to public services, and other important legal issues. Grassroots Justice is a replicable program that can be franchised, on demand, throughout poor communities and those without access to affordable legal services.

Grassroots Justice Systems
Low cost methodology: community paralegal network approaches combined with law firm efficiency allow for operations at a reduced price accessible to the poor.
Mobile and SMS apps: innovative mobile apps use crowd sourcing, satellite imagery, and SMS technology to increase access for rural and isolated populations, while increasing operational efficiency and technical input from across a network of legal experts.
Case management system: streamlined databases allow for local branches to efficiently track and organize cases, increasing client satisfaction
Case intake forms and templates: standard forms and templates are provided to each branch to allow for consistent quality in provision of legal services
Standard operating procedures: easy to follow SOPs guide inexperienced law firm operators on how to provide high-quality legal services using Grassroots Justice approach
Legal training institute: Grassroots Justice's virtual legal training institute provides start-up and continuing legal education and skills training to staff across all branches
Paralegal training curriculum and courses: standardized paralegal training courses will help local branches and organizations develop a rural network of skilled paralegals to expand their access to poor and vulnerable communities
Top-notch legal support: regional and international legal experts, including from top global law firms, will provide regular, on-demand technical assistance to local Grassroots Justice branches
Community mediation techniques: trained mediators will support local branches to develop community mediation programs that utilize a tested conflict diffusion approach
Litigation and legal research support: a cadre of international legal experts and Grassroots Justice secretariat provide on-demand litigation and legal research support
Global advocacy forum: a global forum connects branches and other local partners with international advocacy groups and diplomatic allies to promote pro-poor legal and policy reforms.
Access to international development funding and programming: collaboration with leading international development programs and donors increases funding opportunities for local branches
Financial management systems: rigorous, field-tested financial systems and organizational capacity assessment tools help ensure healthy financial management of all local branches

Grassroots Justice is a self-sustaining programming within the global organization and network, Haki (www.hakinetwork.org), enabling it to harness the existing efforts and community presence of local NGOs across the Haki Network and partnerships with leading international law firms and international development organizations.



Grassroots Justice's primary targeted demographic are the poor, vulnerable and isolated communities that do not currently have access to affordable, reliable legal services and as a result are unable to protect their rights or receive the benefits they are entitled to by law. This demographic includes single mothers, minorities, youth, the elderly, urban slum dwellers, smallholder farmers, migrant workers, and an array of other groups. Grassroots Justice impact is the creation of a global system for increasing access to justice for millions of poor through affordable legal services that increase enforcement of human rights and pro-poor laws and strengthen the rule of law and equitable economic development. We expect our legal assistance and educational programs to reach over a million clients by year 5 of operations.

Progress will be measured through Grassroots Justice's tested analytics that use robust client-centered metrics that show the number of people/families supported, public outreach of our efforts, number of community members trained, client satisfaction, and outcome-specific results such as the number of land titles registered or number of identification documents secured. We will also strive to measure higher-level outcomes, such as improvements to pro-poor policies and laws. Eventually progress will also include the number of new branches opened and communities served.

V. CONCLUSION

Legal empowerment of the poor can have the transformative global impact initially envisioned, but only if a new approach is adopted that harnesses the power of markets and local innovation and entrepreneurship to bring impact to scale. Donors and other international actors can foster uptake of this approach and improve the sustainability of efforts by following the recommendations laid out in this article and through coordinated, concerted efforts to promote important national level reforms. Support to local NGOs and individual public interest lawyers is critical. The new Grassroots Justice program has the potential to turn local donor-dependent efforts into more dynamic client-centered approaches that empower local paralegals as professionals, while providing the necessary technical, operational and collective advocacy support that takes advantage of global resources, best practices, and economies of scale.

