



Legal Empowerment and Paralegal Training

CAN BE USED FOR:

- Community awareness of existing laws and standards
- Improved access to, and capacity to engage in, legal processes and complaint mechanisms
- Strengthened community ability to defend, secure and reclaim land and resource rights
- Avoidance of criminalisation of traditional land users or land and environmental rights defenders

► Overview

There are various legal domains that impact upon land governance, from land acquisition to contract law and inheritance. Legal empowerment equips communities with knowledge of their legal rights, existing land laws and the relevant legal processes or mechanisms available to them. Paralegal training can form part of this, and aims to build knowledge of laws and legal processes so that individuals or local CSOs can serve as guides on legal procedures and empower communities to engage with authorities themselves.

“We see paralegal training as part of developing capacity to assist communities and improving their bargaining position within legal processes and village government bodies.”

DITTA (PUSAKA BENTALA RAKYAT, INDONESIA)

TOOL #1

Community sensitisation

Those subjected to inequitable land governance practices often have limited bargaining power or legal agency. Central to this position of vulnerability is often a lack of awareness of rights and correct legal processes that state or private actors are supposed to respect. For vulnerable communities, their geographic isolation and lack of financial resources typically means that seeking paid legal advice is often not an option. Sensitising community members and leaders on their rights to land, formal land acquisition procedures, as well as laws related to activities for which rural smallholders and Indigenous Peoples are often criminalised, such as land clearance, can allow individuals and communities to advocate for themselves autonomously, and therefore strengthen their bargaining position³. This knowledge can also help to diffuse land disputes and prevent them from happening in the first place.

Aside from knowing which regulations exist, it is also important that people know which institutions have formal responsibility for dealing with the specific issues they face. For example for mediation of disputes about land ownership with plantation companies. In addition, information on how legal processes should function step-by-step is useful and empowers communities to engage in these processes as well as hold authorities to account if the correct procedures are not followed.



This information can be communicated in various forms, through dedicated training programs, as part of wider community-level discussions, in leaflets and small guidebooks, or on local radio stations. An effective method to share information can be to combine legal information with other topics that people find more directly engaging. For example, when talking about farming or sustainable land use with smallholder farmers, issues such as land rights and gender can be built into the conversation with examples of why they are relevant.

TOOL #2

Paralegal support

Another way of empowering communities is through the provision of paralegal services. Paralegals are individuals who are trained in basic law, human rights and court procedures. Whilst they cannot serve as lawyers, they have sufficient expertise to offer general or case-specific advice to individuals or groups, as well as facilitate education programs.

Embedding paralegals within communities can be an effective way to enhance community resilience and prevent exploitation. Training a diverse variety of actors is one way to ensure maximum access to legal aid across a community. Traditional leaders, community members, councillors, church-based organisations, and local NGOs are all examples of actors suitable for paralegal training. Adapting the content of trainings to the particular interests and circumstances of the participants can be a successful strategy to ensure that knowledge is taken up and applied in practice. In Zambia, the Zambia Land Alliance has facilitated the creation of paralegal help desks at district level to enhance access to justice for peri-urban communities. People can report cases to the help desks and receive information, advice and assistance with mediation for live issues that they are facing.

“The aim is to equip people with knowledge on their rights so they can be autonomous in their legal advocacy. This can help to prevent disputes from happening before they occur.”

MUFALALI SAMALUMO (ZAMBIA
LAND ALLIANCE, ZAMBIA)



3 Zambia Land Alliance (2013). Training Manual and Toolkit. [Online]. Available at: <http://beyondresearch.org/documents/ZLA%20Manual.pdf>

“ We also focus on building up the unity of the community to support each other. When this is combined with knowledge on correct legal processes then it can be powerful.

JANANG FIRMAN
(WALHI CENTRAL
SULAWESI,
INDONESIA)

Dealing with criminalization

In addition to issues relating to land governance, land users and land defenders are increasingly facing criminalisation in the face of corporate takeover of customary land. Activities such as clearing new land or protesting against land grabbing can trigger intimidation from state authorities or private security-forces or even result in arrests by local police or civilians. CSOs can help by filing or assisting with lawsuits in specific cases, but in contexts where corruption is rampant this is unlikely to deliver the desired results. Non-litigation approaches centred on communities themselves can therefore be an equally important part of a successful advocacy strategy.

In Indonesia, Wahana Lingkungan Hidup Indonesia (WALHI) Central Kalimantan and Pusaka Bentala Rakyat both provide assistance to communities facing criminalisation. Both organisations stress that paralegal training represents one tool within the wider advocacy process, and it is equally important that communities are united and connected to wider networks of support, such as media contacts or neighbouring villages. This means being aware of tactics used by companies to divide communities and encouraging the practice of traditional conflict resolution mechanisms to bring communities together. In addition, any assistance should be provided within the framework of a collaboration with the community as opposed to being delivered in a top-down manner. Holding initial ‘coffee conversations’ with communities and investing in personal relationships with community members can help to make communities feel comfortable and confident in taking control of their own process, as well as allowing the real issues facing the community to become apparent.



Things to consider and anticipate

- **LITERACY LEVEL.** Adapt the form of delivery as well as content based on the target audience. The challenge is to simplify information without misinterpreting the law. Including step-by-step options and going through case studies from elsewhere can be a useful tool for making things easier to understand.
- **MATERIALS.** In addition, the content will need to be adapted to the training context, including the time period and location. You need to think about how much can realistically be covered and then prioritise certain topics based on the needs of the participants.
- **LOGISTICS.** The setting will also determine the facilities available and in turn the methodologies that can be used. Covid-19 regulations are a new aspect that needs to be taken into account. All of this needs to be carefully planned in order to ensure that the training has maximum impact.
- **LANGUAGE.** Ensure that the training material has been translated into the local language, and use local staff to deliver the training where possible.
- **SENSITISATION.** Understand that empowerment for some can be seen as a threat by others. Engaging with traditional leaders or local officials prior to the training and clearly communicating the mandate and goals can help to avoid creating new tensions.

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Community Land Advocacy Committees

Voluntary community structures trained in mediating minor disputes and providing a link to paralegal experts.

Zambia Land Alliance (**ZLA**) is a network of NGOs across Zambia that work with communities and other stakeholders to ensure that the interests of the poor and vulnerable are incorporated into land administration, laws and policies. Legal aid and paralegal training are a core part of their work, aimed at allowing communities to mediate conflicts and advocate for their land rights autonomously.

Communities wishing to build upon and strengthen this autonomy can establish community structures called Community Land Advocacy Committees (**CLACs**). These structures serve as a link between communities and ZLA district branches and project offices, as well as participating in local governance structures and mediating minor land disputes.

The structures are composed of nine volunteer members elected by the community themselves, including a Chairperson and Vice-chairperson, Secretary and Vice-Secretary,

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Treasurer and Vice-treasurer, and three general members. In the interests of gender parity, where the chairperson is male, the vice chairperson should be female, and vice versa. The length of the term that members serve in the committee is for the CLAC and wider community to decide.

The idea is that CLACs feed into the existing ZLA structure by acting as a local interface, providing information to communities on ZLA, participating in local ZLA activities or national programmes and documenting land-related cases at community level. The fact that they are already embedded within communities means that they are well positioned to facilitate community outreach programmes, including mobilisation on land issues, community sensitisation, and legal and leadership training.

However, they also receive training and technical support so as to be operational beyond ZLA interventions. CLAC members are able to assist with mediation of land disputes within the community⁴, and can report cases beyond their capacity to the paralegal officer or district coordinator at their local ZLA branch.

In addition to this, CLACs play a role in creating and implementing local land advocacy plans and activities. With the support of ZLA, CLACs can lobby local policy- and decision-makers to adopt, amend or implement laws, policies and practices that promote good land governance. The CLAC structure provides an organised platform through which communities can hold customary leaders and government officials to account on the implementation of land, agricultural, gender and resettlement policies or customary land administration guidelines.

4. *Zambian Governance Foundation for Civil Society* (2020). *Preserving the land for future generations*. [Online]. Available at: <http://www.zgf.org.zm/portfolio-items/preserving-the-land-for-future-generations/>