

OUTLINE FOR COMMENTS TO THE WORLD BANK
GLOBAL LAW PROGRAMS LEARNING INITIATIVE (GLPLI)

October 12, 2000

I. Purpose of this session

- Highlight a few of the insights/themes and programming examples of this 2 year cross regional learning initiative on Ford's law related work

II. Background of GLPLI

- **Why we did it?** – For over 40 years, Ford has supported law-based strategies to further human rights and development, first in the 1950s in the U.S. and into Latin America and South Africa by the mid 70s. We had for some years considered documenting this work
- Last straw for me – call from World Bank in 1997 inquiring about Ford work on “access to justice”. It was time to document Ford efforts.
- **What was GLPLI?** – We sought to document and describe how various law-based strategies have worked in different settings around the world; draw connections between them (similarities and differences); highlight some of the insights/lessons that emerge from Ford and Ford grantee's experiences. Mostly we wanted to highlight effective efforts and raise up what works, a “studied appreciation”, not an evaluation or critique.
- One case study on U.S. – but largely we focused on overseas work. Truly global review.
- Audience – “reference book” for grantees, our program staff, other bilateral, multilateral and private donors, development and legal practitioners, NGOs considering law-based strategies
- Our definition of “law-related” or “public interest law” – using law as instrument to promote rights and advancement of disadvantaged populations and further social justice (legal awareness, legal aid, test case litigation to change doctrine and attitudes, research to further law reform, community mobilization and media efforts to complement these.)
- We have funded largely civil society/NGOs (and some governmental or related grantees).
- **What we did?** – Hired consultant team, collected and reported on experience of grantees and PO staff in 16 countries, over 18 month period. Close consultation with Ford Program staff, grantees, third parties in the field; numerous meetings among team.
- **Produced** 360 page volume called *Many Roads to Justice* – 7 case studies (showing geographic diversity and duration of work in 1 country) and 5 thematic papers (cross cutting strategies)

III. Four of major themes or ideas that kept emerging through case studies and papers.

- 1) Law-based strategies can be used to promote many different kinds of goals and objectives of donors and NGOs alike (shouldn't put them “in one programming box”).
- Achieve concrete benefits in the lives of people and protect their human rights, especially of disadvantaged groups. Most obvious goal of work.
(Examples include litigation on behalf of people evicted from homes in community of Maroko, Nigeria to litigation combating discrimination against the Roma in Eastern Europe or Afro Brazilians in Latin America, or African Americans in U.S.)

- Advance equitable and sustainable development including economic progress (In the Philippines, an NGO drafts government regulations and advocates for decent housing for urban poor; or in India, an NGO files suit to ensure that state government supplies clean drinking water to dalits.)
- Build capacities of disadvantaged to help them participate in community and government decision making; bring powerless voices into decision making (As an example, NGOs in Philippines train community based paralegals who guide their fellow farmers' land reform applications through a government agency, or help them on natural resources or environmental claims. This builds capacity in community, the paralegals, to help itself.)
- Increase government accountability – frequent engagement with and/or pressure on government officials. (NGOs are both allies and critics of government. In South Africa and the U.S., NGOs do policy advocacy and regulatory reform to affect such things as immigration policy or development planning. In China and Chile, NGOs educate judges both by bringing litigation and doing training seminars for judges.)

In other words, it's striking how the work of these NGOs often is directly or indirectly advancing legal, political, and development goals, using law strategies as the means, a true nexus of accountability, development, citizen participation and human rights concerns through this legal work.

2) Throughout countries and contexts studied, a critical problem is legal implementation; getting laws on the books enforced on the ground. (includes corrupt judges, problems of power imbalances against women and other groups, courts that function poorly or lack independence, paucity of legal aid). NGOs play critical role in helping assure legal implementation.

3) Successful law-related NGOs:

- **Must be creative and adaptable** – They must change and refocus strategies to fit new circumstances and challenges; their agendas' change. (See Michael Shifter's chapter re those NGOs in transition, moving from dictatorship or communist rule, to democracy – CELS, Memorial, etc.)
- **Employ a mix of strategies** to achieve their goals and integrate legal approaches with community organizing, civic education, and media campaigns. (An example: Time and again – used litigation, not alone, but in combination with community mobilization and media.)
- 4) In terms of donor funding approaches, interviewees stressed that support should be flexible, sustained and guided by judgments of grantees.
- Donors should provide sustaining institutional support, since NGOs don't always show immediate results. Must listen to grantees to inform funding
- Donors should support capacity building like peer exchanges, convenings, networking, helping grantees build bridges, strategic planning, build communications and organizational infrastructure, besides project or institutional support. (Many examples of this in book.)

In this short time, can't do justice to these themes, but my colleagues will help fill out for you. Here they are.

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