

# THE IMPORTANCE OF PARTNERSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY FOR LEGAL EMPOWERMENT



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# Why partnership?

- ⦿ The importance of governments to work with civil society is as important as civil society working with government: the argument goes both ways
- ⦿ Like in many other development issues (family planning, consumer protection, environment, etc.), in most countries civil society has worked earlier than governments on Legal Empowerment.
- ⦿ As governments develop national policies and implementation agencies, maintaining genuine partnership with civil society can create wider ownership and a better impact to these policies

# Strength & Challenges of Civil Society working in legal empowerment of the poor

- ⦿ During pioneering times, worked with very limited resources, in a “trial and error” mode, many times in direct confrontation with governments, mostly at local level, where the poor are legally powerless
- ⦿ As time goes by, better advocacy created a better atmosphere for governments to build institutions on human rights and legal empowerment, but for the CSOs, partnership is not automatically
- ⦿ Impatience by the slow trickling down of policies & agencies to the local level, or sometimes a feeling of “self righteous” can cause CSOs to stay away

# Strength & Challenges of governments working in legal empowerment of the poor

- ⦿ Different processes and opportunities can trigger governments to act, sometimes by pressures from CSOs, facilitation from international agencies, or the existence of champions within governments (*NGOs=Next Government Officials?...just kidding*)
- ⦿ In much shorter time governments can upscale pilot efforts of CSOs, and partnerships with civil society can be effective to change policies that are against the poor and disadvantaged group
- ⦿ Biggest challenge: trust building...partnership with CSOs working WITH the poor is an advantage

# Key to Success of Legal Empowerment of the Poor Agenda

- Comprehensive agenda of change (4 pillars of LEP namely Access to Justice and Rule of Law, Property Rights, Labor Rights, Business Rights → reinforce each other) allow a holistic approach
- Political Leadership is crucial, as the highest level of political will is needed (President / Prime Minister) as LEP need a Cross cutting ministries' effort (finance, development planning, labor, law and human rights, trade) and civil society
- Continuous dialogues with active CSOs/grassroots organizations that rally around the theme of LEP

# Key to Success of LEP Agenda ...cont.

- Broad political coalition (drawing leaders across the society including parliamentarians and pro-poor business leaders who are committed to champion LEP policies)
- Deep and shared understanding of the local context with the poor as the co designers (not an object) of programs and CSOs as facilitators
- Gender & indigenous people's rights dimension maintained in all 4 pillars of LEP Agenda
- Feedback in all phases of the reform including in monitoring of results, impacts (or the lack of it)

# Partnership at the Local Level:

**Demand**  **Supply**

- Public (especially the poor) awareness of the law & their basic rights
- Public knowledge of proper forum and mechanism to seek remedies for grievances

- Established effective mechanism in handling grievances
- Participatory and rights based legislation making approach and increase public access to government policies

  
**Civil Society**

  
**Government**



# Relevant Summary Recommendations from National Consultations in Asia

- Work with local NGOs and local governments to stream-line laws and develop ADR mechanisms that are unbiased and **accessible to the poor**
- Governments should work toward the development of **responsive legislation** that takes into account impediments to justice and seeks to implement constitutional provisions that work to benefit the poor when enforced properly
- Make **property titles** easier to obtain by the poor and uphold small farming collective rights

# Relevant Summary Recommendations from Consultations in Asia ....continued

- ⦿ Work to **integrate indigenous peoples** LE need into the formal legal system and issue compensation for tribal lands appropriated for agricultural or commercial use
- ⦿ Create an index of the **informal market and labour force** and attempt to better understand its parameters
- ⦿ Work toward the implementation of programs such as **issuing identity cards** which grant vendors permission to sell their wares on the streets legally

# Relevant Summary Recommendations from Consultations in Asia ....Cont.

- ⦿ Enforce laws that guarantee **workers legal contracts** for their work and redress in the case their terms are breached
- ⦿ Increase education programs and provide greater start-up capital for **female entrepreneurs**
- ⦿ **Engage the poor** at a local level through NGOs and grassroots organizations that encourage the communication of grievances, concerns and violations of fundamental right

# Thank You



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