

SUSTAINABILITY OF SERVICES

COMMUNITY LEGAL SERVICES (CLS) PROGRAMME

LEARNING BRIEF



This brief shares lessons on sustainability and the rights awareness and dispute resolution services that communities, NGOs and government can sustain without external donor support.

LESSONS INCLUDE:



Require early planning for sustainability and revise based on field learnings



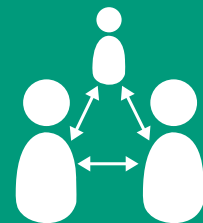
Community mediation is sustainable but office mediation by local NGOs is not



Community volunteers can sustain some raising of awareness of legal rights



Sustained community level legal services continues to positively influence social norms



Referrals to government legal aid are sustainable but support for litigation by local NGOs is not

A product of the CLS Monitoring and Evaluation (M&E) unit and CLS project team

BACKGROUND

The Community Legal Services (CLS) Programme was designed by the United Kingdom's Department for International Development (DFID) to increase and improve the provision of legal services to the poor and the marginalised in Bangladesh. The five year implementation period yielded many lessons for programme design and implementation which would increase the probability that key legal services will be sustained without external donor funding. This brief discusses sustainability from three perspectives: 1) building sustainability in design and work planning, 2) strengthening sustainability of specific legal services, alone and in combination, and 3) sustainability of the impact of legal services on individuals and communities.

In its five years of implementation, the CLS Programme expanded access to justice making legal services available to an estimated 13.9 million people in 1232 rural unions or urban wards or 16% of the country. It did so through building citizen awareness of legal rights and supporting the just resolution of disputes through mediation or litigation in cooperation with communities and the Government of Bangladesh. Mediation was by far the most common method of resolving disputes at 73% of the total with litigation used for hard to resolve disputes or serious crimes. Over half of these mediations were conducted by NGO-trained community mediation groups. Over 70% of the beneficiaries of the CLS Programme were women and girls. CLS also supported NGO efforts on research, advocacy and public interest litigation to reform laws and policies or improve their implementation when needed.



LESSONS LEARNT

BUILDING SUSTAINABILITY INTO DESIGN AND PLANNING

Require sustainability planning from programme start, review after a year of field implementation experience, and revisit and update plans at regular intervals thereafter.

The probability of sustainability of services and impact is increased when programme donors, implementers and NGO partners take shared responsibility for this objective, appropriate to their roles and functions.

Donor agencies can require bidders to discuss ideas and plans for sustainability in their proposal submissions and require the chosen implementer to submit a sustainability plan during an inception period or early in the first year of implementation. Unless the implementer has direct experience in legal services in the same country, both proposal and first year plans are likely to lack detailed guidance and rely on untested assumptions. Context specific learning is essential to inform realistic sustainability planning and decision-making, so such plans would be expected to change. However, these plans do provide a start to thinking about the challenges of achieving sustainability of services by the project's end.

After a year of field implementation, ideas on achieving sustainability should be reassessed based on the combined feedback of project staff, NGO partners, and government and other stakeholders in legal service delivery. Resulting plans may involve changes to NGO activity sets, partnerships with stakeholders, and work with community actors. A realistic view of the incentives of different institutions to continue services without funding is needed, and how quality of services can be maintained along with basic provision. Similar reviews should be conducted at regular intervals of six months to a year as the programme progresses. Increasingly, the objective of these reviews should be to develop NGO and stakeholder ownership and own internal plans and activities that directly support continuation of services without funding.

CLS's own thinking on services sustainability strategy and steps to support this underwent numerous reviews starting from the midpoint of the project. By then, many



SUSTAINABILITY OF SPECIFIC LEGAL SERVICES

months of field experience informed NGO and project staff discussions. This greater realism helped in identifying which legal services could be sustained and how – as discussed in the sections below.

As field work progressed, the CLS team learned more about the potential to sustain certain 'modalities' or types of legal services and certain approaches to these. Much learning came from understanding how service provision could be shared through partnerships especially with local, *upazila* (sub-district) and district level government actors, what incentives community members had to continue aspects of legal service work, and how NGOs themselves valued legal service provision. From this learning came specific lessons on what modalities were most likely to be sustained and how. The assumptions behind these lessons were developed in consultation with CLS partners in the final project year. However, empirical evidence on the actual sustainability of specific legal services would require a field investigation to be conducted one or more years after programme close.

Community volunteers can sustain limited awareness-raising of legal rights. Government funding may be possible for broader awareness activities by development NGOs.

CLS NGO partners used a wide range of methods to connect with community members and educate them about their legal rights and the different services

available to claim these. Many of these awareness-raising methods depended on paid staff or consultant time and procurement of print or multi-media educational materials. While these methods are not sustainable without funding, they were important in supporting the effectiveness of other 'community-centric' methods that are sustainable – namely, work of trained volunteers, primarily women, to act as sources of legal rights information. These community volunteers reported receiving greater respect in their communities and a sense of responsibility to pass on their knowledge, and many committed to continue their work after the project end. As a volunteer in the Sylhet District stated, *“This is not the project’s work; this is now our work.”*

Other prospects for sustaining awareness-raising activities on a broader scale may lie with the government. Judges in charge of the government's legal aid services in several districts have stated that CLS NGO awareness-raising activities resulted in increased demand for their services. While government rules on the use of legal aid allow spending on raising awareness, this has not been practiced. Future CLS programming should explore the potential for annual government support to selected NGOs to conduct a defined set of awareness-raising activities. These activities would support and strengthen the effectiveness of ongoing efforts by community volunteers.

Community mediation can be sustained while office mediation by development NGOs cannot.

Under the CLS Programme, over 70% of disputes were resolved through mediation – mediation conducted in a local office setting by lawyers or trained NGO staff, or in a community setting by community members. Local office mediation requires ongoing payment to lawyers and staff that development-focused NGOs are unable to provide after project close. However, NGOs that specialise in legal services have demonstrated the ability to attract continued funding from multiple sources and may be able to partially sustain office mediation services from their district level offices.

Mediation by community groups requires more time and investment in formation, training and support by NGOs to ensure mediation quality but is not dependent on external funding once established. CLS experience has shown that many community members are motivated by volunteerism and the community respect received for their role in providing mediation services. A female mediation group member in the Sylhet District stated, *“People now give me more respect as I am contributing to resolving disputes for the community.”* How community mediation groups are created and developed can also support the likelihood that they will continue after project close, as can the nature of linkages to both the sponsoring NGO and local government bodies particularly the union council or *parishad*.

CLS and other survey research has identified a high level of awareness of, and preference for, mediation conducted locally to resolve disputes due to its low cost, close proximity and social acceptance. While not all disputes can be mediated under law, community mediation can play a key role in creating a system of community legal services that is accessible, just and sustainable. Future programming should support NGOs that design, create and develop mediation groups with the intention that they will be largely self-sustaining after a defined period of years.

Referral of disputes to courts can be sustained while litigation by development NGOs cannot.

Less than 20% of the disputes resolved with CLS support were settled through the court system. CLS partners either



provided legal aid to clients by assigning lawyers and paying their legal fees, or by referring the clients to government legal aid offices or occasionally legal specialist NGOs. Litigation or legal aid necessarily relies on funds to pay lawyers' fees and other costs and is not sustainable for NGOs other than the legal specialists that can continuously attract funds for this purpose.

However, referrals to the government's district legal aid offices can be continued at virtually no cost assuming the

development NGO has established a good reputation with the relevant district office. NGOs value the positive reputation they gain by offering referral services and legal aid offices value their ability to serve larger numbers of clients in pursuit of their mission. Future programming should favour referrals to government legal aid over direct litigation by development-focused NGOs.





SUSTAINABILITY OF COMMUNITY IMPACT

Sustainability of community-based legal services contributes to continued influence on social norms and women's empowerment.

The CLS Programme is primarily a service delivery programme tracking its success through population reached, geographic area covered, financial benefits (to beneficiaries of disputes resolved), and policy reforms considered, passed, or implemented (through advocacy

actions or public interest litigation). It does not explicitly seek to change social norms or empower women in its working areas beyond the individual justice-seekers served.

Over the course of the programme, anecdotal evidence has emerged from some working areas that social norms are being positively influenced and that women more generally are being empowered.

One example is from a CLS participant from the Barisal District who stated that, “Due to [CLS partner’s] intervention, family violence has dropped sharply in this area.” While this cannot be independently confirmed, if true it represents a change in norms in the community.

The CLS partner in question has decades of expertise in raising awareness through a combination of volunteers, mixed gender groups and women-only groups that

receive leadership training, and in forming community mediation groups with the meaningful participation of women. As individual women assert and claim rights, family violence is challenged more often. As mediation decisions favourable to women that punish such violence become known, the perceived risk of punishment grows. This can deter others from resorting to violence within the family.



CLS PROGRAMME

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