**THE ROLE OF LEGAL AID PROVIDERS NETWORKS IN ENHANCING ACCESS TO JUSTICE IN TANZANIA**

**PRESENTATTION MADE BY THE LAPS REGISTRAR ON THE OCCASION OF THE TANLAP SYMPOSIUM**

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# 1.0 INTRODUCTION

## 1.1 Overview of LAPs networks

The coordination of legal aid providers has been a significant justice sector concern in Tanzania. From the mid 90s, the need for coordination of legal aid providers had been recognized local actors in the subsector were at the forefront initiating action in response to this need. An assessment conducted in 2009 by Prof. Sifuni Mchome, and Prof. Chris Peter Maina found that several legal aid networks have come into being since the beginning of 1997 when the first legal aid network known as LegalNet was conceived and formally established in 1998. The study enlightens that it was envisioned that LegalNet would be critical to minimizing the duplication of efforts while enhancing the cost-effectiveness of legal aid service provision through a functional and well-coordinated network of organizations and groups active in the legal aid subsector. Major activities under the LegalNet included information management, quality standards in Legal Aid, Human and Legal Rights Awareness, Capacity building and Basket Funded Projects.

Other networks included Southern Africa Legal Aid Network (SALAN), Southern African Human Rights NGO’s Network (SAHRiNGON), Network of Non-Governmental Organizations Working with and for Children (NNOC), and of course TANLAP which were all established to provide some form of coordination of legal aid provides through a variety of mechanisms. The foregone historic summary of legal aid networks, without doubt, demonstrate that there has always been some form of localized efforts to coordinate legal aid providers and to organize and improve service delivery in Tanzania. An acknowledgement of the above is not only crucial to informing ongoing efforts at enhancing coordination within the sub-sector but more importantly, the lessons learnt and best practices derived from those past engagements shall be critical in determining the appropriate models in optimizing legal aid service delivery in Tanzania.

## 2.2 Underlying Competing & conflicting interests of LAPs

As already mentioned, there is more than one type of legal aid coordination mechanisms in Tanzania today, and they exist in the form of networks, forums and groups. Each of these entities has an equally distinct mission, affiliations and modus operandi which sets it apart from the others. Whether established with a specific or partial focus on legal aid, these networks, forums and groups have all served the fundamental purpose of enhancing efficient organization and harmonization of legal aid services provision. The multiple numbers of networks in existence have also encouraged some LAPs to seek members of more than one network in reinforcing their shared interests but also crucially in attracting much needed resources for capacity building and legal aid service delivery.

Prior to July 2017 when the Legal Aid Act of 2017 came into operation, LAPs networks took on the role of not only coordinating legal aid providers but also precribing and directing service provision. This has been achieved through the provision of the policy frameworks, code of conduct and guidelines within which their members operated. These networks are also credited with the development of client’s charter as well as training manuals for the delivery of capacity building interventions for their membership. Without overemphasis, LAPs did a tremendous job at building a vibrant legal aid subsector within a context which was defined by limited capacity and constraint financial and logistical resources. The LAPs networks also proved to be an essential tool in driving and shaping the legal aid subsector and served as a platform in enhancing the visibility of LAPs and serving as the voice of LAP with the government and donor community.

Parallel to these achievements are some challenges associated with the existence of the multiples legal aid networks and coordination mechanisms. It is quite evident that with the existence of multiple forms and layers of LAPs networks and coordination mechanisms has accessioned a substantial measure of confusion and disorganization in the subsector. This in itself would not have been an issue if not for the underlying forces and pull towards multiple allegiances result in undue tension between groups and the circulation of misinformation all with a view to pre-positioning one group against the other. This outcome might be considered an unintended outcome, but is having a far-reaching effect on the cohesion and effective organization of the subsector. Regrettably, this situation is not only limited to the LAPs but also to Development Partners who have been also selective which networks or coordination mechanisms they support as opposed to the other.

Furthermore, the networks took up the role of guardianship and became mouthpieces for their members and in this way, have been able to mobilized funds from different development partners. However, some of the networks and coordination mechanisms have used the mobilized resources judiciously in supporting their members in areas like capacity building and service delivery whereas it is an open secret that some personnel in the networks converted funds provided for services to their personal use.

Without overemphasizing, these challenges painted an awful picture of the subsector in general and as already mentioned created confusion even among the donor community who were also forced into the conclusion that they also needed to coordinate themselves for proper and efficient use of funds and focused interventions.

To address this situation, a move was initiated through the LSRP to have one LAPs coordination mechanism that will bring about cohesion and alleviate the aforementioned challenges in the provision of legal aid in the country. Attempts to bring LAPS in one umbrella even under LSRP became another nightmare. The Tanganyika Law Society (TLS), a professional body of legal practitioners that provides legal aid as one of its core objectives perceived as a more neutral organization as against TANLAP which was seemingly gaining more popularity and become a more recognized network. Thus, TLS also became an umbrella organization with support of LSRP, through which funds to support LAPs were channeled from the basket fund through the Ministry. Again, members of this new ‘network’ comprised organizations that were also members of TANLAP.

During the implementation of the LRSP, LAPs who were members of the TLS network started questioning the efficacy of TLS as a professional body to lead LAPs in any capacity. The argument was that TLS as a Professional/Statutory body with multiple objective, was not legal aid provider in the strict sense, and therefore, could not qualify to be a LAPs umbrella organization. Complaints and murmuring attracted the attention of the LSRP Partners and occasioned the decision to have an independent coordination unit under the Project. This was what led to the establishment of the Legal Aid Secretariat.

To a substantially high degree, the storm seemed to have calmed during with the establishment of LAS and after taking over from TLS. However, competing and conflicting interest never ceased to be an issue in the world Legal Aid Providers. Financial constraints, the lack of sustainability plans and lack of focus have proved to be the driver of further confusion and disorganization in this subsector. Some individuals in Legal Aid Provider organizations driven by either ignorance, lack of focus or the quest for funding have continued to be torn between, and if I must say, have fallen prey to forces have and are turning out to be catalysts for confusion and dismembering LAPs and LAPs networks.

Obviously, this state of affairs thrived very well in an environment where there was no proper national oversight and a legal framework to regulate and coordinate legal aid provision in the country. With the absence of government’s direct involvement, legal aid subsector became the ‘*shamba la bibi’* for everybody to do what they wanted even when driven by very personal considerations.

Please bear in mind that all this internal bickering and infighting was and continue to happen at the expense of the indigent population whose demand for legal aid has increased over the years as social economic developments evolves and the population of Tanzania increases. The demand became so evident and overwhelming that the Members of Parliament were invariably forced to pushed through the Legal Aid Act 2017 in record time with a clear objective of alleviate the numerous challenges that their constituents are facing in seeking and accessing justice.

# 2.0 Coordination of LAPs under the LAA, 2017

The legal framework has set the parameters within which LAPs are to function in the subsector under the direct leadership and oversight of the government actors. The law gives the Registrar the mandate to regulate and coordinate legal aid providers and sets out a list of provisions to not only guide the legal aid providers in their conduct but also the government department and agencies who in one way or another have been assigned responsibility under this law. Also, the law provides for how the donor community in their dealing with LAPs and the government.

Let me say from the onset that the law does not oust the role and mandate of legal aid networks. Rather, under the Regulations, the networks are encouraged for purposes of advancing their valued services to share best practices, mentoring and coaching of their mention which are essential elements for coordination at national level.

It is imperative to emphasize that clubs, networks or forums of legal aid providers should not be an avenue for creation of confusion by competition but rather be a tool for enhancing collaboration and complementarity amongst LAPs. Legal aid subsector should exhibit high level of discipline and professionalism and prove wrong the notion that existed that legal aid providers, specifically Paralegals are ‘bush lawyers’. Already there is evidence of attempts to divide and rule legal aid providers for reasons that are not yet to be known; but which in any case are not of good intentions. This is not a good sign and it should be discouraged by LAPs. The room created by the law under the Regulations for LAPs to form networks, clubs of forums is in recognition that there are thematic, geographical variances within LAPs and so collaboration based on those grounds will enhance service provision for respective members of the networks so formed. Otherwise, it would have been much better to have one network coordinating all LAPs across the country for more many reasons. TANLAP is recognized as one of such an exemplary network and a good model of what a network should be in reinforcing local ownership dedicated support to membership and showcasing a bigger number of members across the country.

## 3.0 LAPs Networking with other Actors

The LAA, 2017 introduced among others, a cadre of Assistant Registrars who will be working at the local government levels in bringing service closer to the people and enhance coordination from the community level. The Act also introduces legal aid service in detention places and expands the scope of legal aid provision at the instance of Courts. This means that implementation of the Act will be manifested right from the Community level where we have Police Cells, Primary Courts and Tribunals. This brings on the scene different players from different sectors such as the Police, the Social welfare Officers, judicial as well as government official. All of these will be working towards enhancing access to justice by the poor and disadvantaged- that is, the indigent as defined by the law. In that respect, LAPs and LAPs network will be engaging with these different players in their day to day activities in a different dimension from the way they have been doing before. It is therefore imperative to strategize on the best way to carry all these sectors along in a smooth and efficient manner to the benefit of our clients.

# 4.0 Way Forward

Considering the long journey from which LAPs and LAPs networks have trekked up to this stage where we have a legal framework for coordination and regulation of legal aid services in Tanzania; there is need to reflect on the issues that hampered and or hindered LAPs and LAPs networks in realizing their visions. It is an opportune time to re-focus and move in line with the objective of the law that we fought so much to have in place so that legal aid provision moves to a higher dimension as envisaged by the law. The Ministry recognizes the difficult conditions under which LAPs have been working and commends their commitment and perseverance. We reiterate our commitment to collaborate with LAPs and their networks in enhancing access to justice to all. We call upon you all to comply with the requirements of the law and observe the Codes of Conduct so that legal aid subsector attracts the respect that it deserves.

------ ALL THE BEST IN YOUR WORK --------