

# Timap for Justice and the Promise of Paralegal Initiatives

Simeon Koroma

Timap for Justice

**Keywords:** legal assistance – legal aid – legal services – access to justice law – legal dualism – paralegals – Africa – Sierra Leone

Timap for Justice employs a pioneering approach to expanding access to basic legal services in 19 offices throughout Sierra Leone. Several factors make access to justice particularly difficult in Sierra Leone: extreme poverty, a paucity of lawyers (mainly based in the capital), corruption, ongoing post-war reconstruction, and a dualist legal system, under which the customary system has primary relevance for the vast majority of people. Timap uses community-based paralegals as the frontline of its efforts. Paralegals employ a heterogeneous set of tools - mediation, negotiation, organising and advocacy - to assist citizens in addressing a wide range of justice problems, as well as engage both formal and customary legal institutions. Paralegals are trained, supported and supervised by a small group of lawyers who employ litigation and high-level advocacy in severe and intractable cases. In an effort to ensure paralegals are accountable to the host communities, Timap also works with Community Oversight Boards (COBs), whose members are drawn from traditional leadership and heads of the women and youth groups in the community. COBs support Timap when unavoidable conflicts arise with traditional leaders, as well as help direct the focus of Timap's work through community needs assessments. COBs also play an important role in ensuring continued, rigorous supervision of community-based paralegals. Timap has been recognised by independent institutions for providing justice services in the difficult context of rural Sierra Leone. Timap is currently working with the Government of Sierra Leone, the Open Society Justice Initiative, NAMATI, and other partners to expand and standardise a system of community-based paralegals to improve access to justice in Sierra Leone.

Securing the rule of law and improving accountability and fairness are crucial objectives in developing countries in general, and in post-conflict countries in particular. Injustice and exploitation were among the primary root causes of the Sierra Leonean civil war. Reforms to state institutions are necessary for improving the rule of law, though such reforms are mostly slow and difficult. It is equally important to advance the rule of law from the bottom up, by strengthening ordinary people's capacity to demand accountability from public institutions and at the same time address breaches of their rights. Conventional legal aid models, however, are often impractical and ineffective. They fail to address legal pluralism in a meaningful way; they are often concentrated in national capitals, as well as too costly to be viable nationally.<sup>1</sup>

Timap for Justice is a pioneering effort to provide basic legal services and to improve access to justice in Sierra Leone. Established in 2003,<sup>2</sup> **Timap for Justice** (Timap), a Sierra Leonean NGO, has developed a creative, flexible model to advance justice, one that combines education, mediation, organising, and advocacy to respond to the particularities of Sierra Leone's socio-legal context.

Sierra Leone is one of the poorest countries in the world, ranking among the lowest in terms of life expectancy, education and standards of living in the 2010 UN Human Development Index. Poverty is pervasive in Sierra Leone, with 2/3 of the population living on less than 2 dollars a day. The country's legal profession is severely undersized, with less than 300 practicing lawyers serving a population of 6.5 million. With most lawyers based in Freetown, the country's capital, legal services are unaffordable and inaccessible for the vast majority of Sierra Leoneans, including detainees, especially in rural areas. Approximately half of the prison population is behind bars awaiting trial,<sup>3</sup> and most have never been given any legal advice or assistance at any stage of their contact with the justice system. Furthermore, Sierra Leone has a dualist legal system, under which the customary system has primary relevance for the vast majority of people. Lawyers are also barred from practicing in these local (customary) courts.

Timap's frontline is made up of community-based paralegals rather than lawyers. Paralegals employ a heterogeneous set of tools to assist citizens in addressing a wide range of justice problems, including intra-community breaches of rights (e.g. a father refuses to pay maintenance, or a widow is wrongfully denied inheritance) as well as justice issues between people and their authorities (e.g. corruption, abuse of authority, failures in service delivery). Timap's paralegals, who work in 19 offices in the Eastern, Northern and Southern Provinces as well as in the Western Area, straddle the dualist legal system, engaging both customary and formal institutions.

The paralegals are trained, supported and supervised by a small group of lawyers. In severe and intractable cases, the lawyers employ litigation and high-level advocacy to address injustices that the paralegals cannot handle on their own. Because litigation or even the threat of litigation carries significant weight in Sierra Leone, our capacity to litigate adds strength to our paralegals' ongoing work as advocates and mediators.

In an effort to ensure the programme's accountability to its host communities, we work with Community Oversight Boards (COBs) in each of the chiefdoms where we operate. COB members are selected after consultations with paramount chiefs, other chiefs, local organisations, and community members. Each Board has four members, including a member of the traditional leadership (like Chiefdom Speaker, Adviser, or elder), as well as heads of the women and youths groups in the community. COBs play a bifurcated role: first, they act as a cushion between the community and Timap. In this regard, they both serve as a rallying point and support when unavoidable conflicts between certain traditional practices (and leaders) and Timap arise, as well as help direct the focus of our work through community needs assessments. Secondly, COBs play an important role in ensuring continued, rigorous supervision of community-based paralegals by thinking about questions like a) are the paralegals putting in the requisite time?; b) are they serving clients professionally, effectively, and ethically?; c) are they making sound efforts to address community-level problems? COBs meet regularly with the programme directors to provide feedback on paralegal performance.

Timap has been recognised by independent institutions including the World Bank,<sup>4</sup> the International Crisis Group,<sup>5</sup> and the UN Commission on Legal Empowerment<sup>6</sup> for developing a creative, effective methodology for providing justice services in the challenging and complex context of Sierra Leone. The Justice Sector Reform Strategy adopted by the Government in March 2008 also recognises Timap, and commits to exploring the possibility of scaling up the provision of Timap-style justice services.<sup>7</sup>

Since 2009, Timap for Justice has been working with the Government of Sierra Leone, Open Society Justice Initiative, and other partners to develop a nationwide network of low cost, basic justice service providers that uses the model developed by Timap (community-based paralegals backstopped by lawyers). Jointly, we are working to institutionalise paralegals, so that they are recognised by the government and subject to certain uniform standards,<sup>8</sup> including a standard training system for all community-based paralegals, a standard code of conduct for professional behaviour, a standard oversight mechanism, and a standard monitoring and evaluation framework.

The context that inspired Timap's model of community-based paralegals providing basic justice services in their communities and backstopped by lawyers - a paucity of lawyers, legal pluralism, poverty, post-war reconstruction, and corruption - is not unique to Sierra Leone. This model can be (and has already been) replicated in other countries. In 2007, the Carter Center initiated a paralegal programme in Liberia modelled after Timap.

Community-based paralegals pose an effective, affordable method of assisting people with problems of injustice. Timap strives to solve clients' justice problems - thereby demonstrating concretely that justice is possible - and at the same time to cultivate the agency of the communities with which it works. Timap adopts a synthetic orientation towards Sierra Leone's dualist legal structure, engaging and seeking to improve both formal and customary institutions.

## Endnotes

---

<sup>1</sup> See, for example, Vivek Maru, *Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide*, Yale Journal of International Law 31-32 (2006).

<sup>2</sup> Timap for Justice was co-founded by the Open Society Justice Initiative (OSJI) and the National Forum for Human Rights (NFHR), a coalition of Sierra Leonean NGOs.

<sup>3</sup> International Center for Prison Studies, World Prison Population List (Eighth edition, 2009). Last retrieved on May 27, 2012 from [http://www.prisonstudies.org/info/downloads/wppl-8th\\_41.pdf](http://www.prisonstudies.org/info/downloads/wppl-8th_41.pdf)

<sup>4</sup> In 2006, the World Bank recognized Timap as an innovative model for providing justice services, and awarded Timap an \$800,000 grant, which allowed Timap to double in scope. A World Bank qualitative evaluation of Timap finds feedback on Timap's work to be 'overwhelmingly positive, emphasizing the fairness of Timap's approaches its focus on the rights of the poor and/or marginalized, and the value of having a free forum in which to resolve disputes.' Further, 'those interviewed indicated that Timap filled an important gap and provided a chance to settle disputes that may otherwise have gone without resolution.'<sup>4</sup> Dale, P. *Delivering Justice to Sierra Leone's Poor: Progress and Predicaments; An Evaluation of the Work of Timap for Justice*, 1/2009.

<sup>5</sup> A 2006 ICG report on the justice sector in Liberia reported on Timap as a case study and recommended that Liberian civil society consider a similar intervention. 'By solving the everyday justice needs of ordinary citizens, [Timap] is proving town by town, case by case, that justice need not be a far-off ideal but can be an every-day reality.' *Liberia: Resurrecting the Justice System, International Crisis Group, 2006*. In 2007, the Carter Center initiated a paralegal programme in Liberia modeled after Timap.

<sup>6</sup> See United Nations Commission on Legal Empowerment of the Poor, *Access to Justice Thematic Paper, 2* (November 29-20, 2006).

<sup>7</sup> Section 3.13 of the strategy states: 'Demand side strengthening: Government will also consider how it can support the "demand side" – the users of the justice system - through the provision of widely available community based paralegals. This initiative will be undertaken in partnership with civil society, including the Timap for Justice project.' (Justice Sector Reform Strategy, Government of Sierra Leone, March 2008, Section 3.13, p. 18). The Costed Reform and Investment Plan states, 'The GoSL recognizes that the vast majority of the population do not have access to satisfactory legal services. It recognizes the valuable role that civil society is fulfilling in this respect, particularly through the provision of community based paralegal services (for example Timap for Justice <http://www.timapforjustice.org/work/>). Government wishes to recognize[d] that extended paralegal service provision has the potential to provide a step change in access to legal services in an extremely cost effective manner... The pioneering work of Timap will be studied in order to inform Government's plans to introduce community based paralegals into the nation's justice system.' (Justice Sector Reform Strategy, Government of Sierra Leone, March 2008, Ch. IV, p. 52-53).

<sup>8</sup> Early this month, the Sierra Leone Parliament enacted the Legal Aid Bill—already described as one of the most progressive legal aid laws in Africa. The new law provides inter alia for the establishment of a legal aid board, an independent statutory body to administer, coordinate, and monitor legal aid services in Sierra Leone. For more information: <http://www.namati.org/newsposts/sierra-leone-passes-legal-aid-law/>