

Access to Justice as a Tool of Empowering the Poor: The Contribution of Jimma University Legal Aid Center in Perspective

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Abstract

Access to justice is closely linked to poverty reduction and human development. Conventionally, the dominant paradigm of 'rule of law orthodoxy' upheld that state centered top-down approach of access to justice is a panacea for ills of underdevelopment and poverty. Yet, a glance at literature reveals that currently about four billion people, mostly poor, live without any legal protection. In an attempt to uplift this problem, the last two decades have witnessed the significant rise of bottom-up approaches to bring the vulnerable sections of society into the mainstream of holistic development. One of such attempts is charge-free legal aid service centers in many poor countries, including Ethiopia. Making sense of these developments, this research was meant to assess the contribution of the Legal Aid Center of Jimma University (JULAC) in realizing access to justice as a meaningful remedy to the poor and disadvantaged people over the last eight years. In doing so, it has utilized a case study design. The data generated from key informant interview, focus group discussions, review of the official documents of the JULAC and case stories were analyzed in line with capability approach. With all its shortcomings, the findings of this study attest that such bottom-up approaches in access to justice do not only help the beneficiaries in exercising their rights to which they are entitled but also empower them in leading their life and determine their destiny.

Key Words: Access to Justice, Capability, Empowerment, Legal Aid, Poverty Reduction,

1. Introduction

Over the last two decades, the subject matter of law has become a fundamental issue of discussion in the agenda of development among academicians, policy makers and development practitioners. In an attempt to reveal the centrality of a legal phenomenon in socio-economic development, many scholars contend that access to justice¹ has the potential to realize the promise of the rule of law for nearly four billion poor and vulnerable people² of the world who are leading their life without recourse for the injustices they face in their day-to-day life (Rooij, 2007; OSJI, 2013). Though historical evidences that provide causal relations between access to justice and overall socioeconomic development are seldom, empirical sources reveal that there is positive correlation between the two. A prominent scholar of law and development, Stephen Golub (2003), mentions that access to justice and rule of law favorably goes with the conventional indicators of development like infant mortality rates, income and literacy. Indeed, access to justice matters in poverty reduction³ as being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making affecting their lives (UNDP, 2004). Wide acknowledgment of this fact has subsequently brought about judicial reforms in many developing countries with the support of donor agencies.

¹Access to justice is used here to refer to the "ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards" (UNDP, 2005, p. 5).

²Vulnerable groups refer to a "group of people consisting of the poor, women, minorities, and other groups suffering from abuse, discrimination, persecution, or repression" (Golub, 2013, p. 5).

³Poverty reduction is meant here to refer to such deliberate actions such as income and physical asset transfers and/or provision of education, employment and other opportunities that are aimed at reducing the depth of poverty that individuals and households experience (CARE, 2005).

These reforms have often tended to be different from the past for they are accompanied by a shift of approaches, from top-down to bottom-up, in the legal–development cooperation paradigm (Rooij, 2007). It is this shift that laid the foundation for the rise of variety of bottom-up legal interventions coined by terms like as “legal aid,” “legal empowerment” and “micro-justice” (Rooij, 2007). These recent bottom-up legal interventions do not only prove the presence of an alternative way to the *hitherto* dominant legal development paradigm to realize access to justice but also set the basis for legal and judicial system reforms in many developing countries with the ultimate aim of benefiting the poor. Countries such as Bangladesh, Ecuador, South Africa and many others are reported to have benefited from legal aid in poverty reduction schemes by compelling the state to provide poor and marginalized people with access to housing, water, health, and social services (McQuoid-Mason, 2013; Rooij, 2007).

In Ethiopia, too, many experts have been indicating that non-discriminatory access to justice is an essential pillar for development and combating poverty in one of the poorest countries in the world and the second most populous country of the African continent (JLSRI, 2013). Yet, lack of infrastructure creates situations in which local justice is still inaccessible, for Ethiopia’s largely rural society, in physical terms, as well as economic terms though courts have been established throughout Ethiopia at all tiers of administration (MoCB, 2005). To this effect, a comprehensive justice sector reform has been initiated and undertaken upon the recognition of the significant role of legal actors in pursuits of economic growth and poverty alleviation in the country (MoCB, 2005; JLSRI, 2013). The reform has provided, *inter alia*, the basis for the revision of former systems of legal aid in such a way that legal clinics at all Higher Education Institutions could be strengthened and/or established to sustain provision of legal aid services throughout the country (JLSRI, 2013).

It is against this background that legal aid service centers were established in Public Universities of Ethiopia with the mission of providing charge free professional services to indigents, women, poor, and other vulnerable groups in their vicinities. To this end, an attempt is made in this research to reveal the relevance of legal aid centers in alleviating abject poverty by assessing the engagements and contributions of legal aid services with special case study of Jimma University. In doing so, this research is organized into five sections: this introductory section followed by statement of the problem, materials and methods, a brief review of contending theoretical approaches, presentation of results and discussion, and conclusion

2. Statement of the Problem

From a general philosophical point of view, it could be said that ‘poverty’, even in its conventional understanding, is a manifestation of ‘injustice’ or ‘absence of a just socio-economic life’. Hence, any effort, collective or otherwise, that strives to realize justice or rectify unjust relationship in a given society can be regarded as contributing to fight against poverty as the two are diametrically related to one another. A significant body of literature also reveals that, indeed, access to justice matters in poverty alleviation as being poor and marginalized sections of society are being deprived of choices, opportunities, access to basic resources and a voice in decision-making process affecting their lives (UNDP, 2004). Several studies have proven that legal aid services have yielded vital outcome, for instance as the case in South Africa, where it is even impossible to think of many people’s life today without considering the impact of legal aid (McQuoid-Mason, 2013). In Ethiopia, as well, it is self-evident that the legal aid services in Higher Education Institutions are not only pre-occupied with working towards access to justice and rule of law in its purely ‘legal’ sense, they have also been playing a significant role in poverty alleviation by enhancing what is known to the development literature as ‘human agency’, which involves the creation and development of capacity as well as condition for wielding power over their life for target population. Accordingly, the main objective of this research is to assess the contribution of cost free legal aid services of JULAC to access justice in alleviating abject poverty through inductive research. Hence, taking the vital impact of legal aid services, the researcher undertook this title to investigate the contribution of JULAC in poverty reduction thereby to establish the correlation in its findings between the dependent (‘Empowerment of the Poor’) and independent (‘JULAC Interventions’) variables.

3. Materials and Methods

This research is designed to be an inductive case study. It is meant to be an inductive research to rely on the detailed micro – data which would be used to analyze and draw the cumulative impact of legal aid services of JULAC in improving the livelihood of poor and vulnerable sections of the society.

Both primary and secondary sources have been used to maintain logical consistency by employing qualitative technique of data analysis and interpretation of the outcome of the provision of free legal aid services. The primary data was collected using mainly *via* interview with the key informant, i.e. individuals involved in leading and directing the provision of legal aid services; focus group discussions (FGDs) with professional lawyers working in different branch offices of JULAC and students involved in the provision of legal aid services; and selected beneficiaries⁴ of the centre. To this end, 8 JULAC officials have taken part in these study as key informants, while 6 lawyers, 7 interns and 12 selected beneficiaries were involved in 3 separate FGDs making the total participants 33.

The secondary data, on the other hand, was obtained *via* reviewing the official documents of the centres (such as performance reports) and related literature pertinent to both legal and development studies. Once the accuracy of data is assured, it was analyzed to determine the correlation between the dependent ('Empowerment of the Poor') and independent ('JULAC Interventions') variables. The results of data were interpreted using a combination of rights and capability approach to substantiate the qualitative analyses of the subject.

4. Theoretical and Conceptual Framework

4.1. Conceptualizing the Notion of 'Justice'

Ever since the time of Socrates, the notion of 'justice' has always occupied a central place in the whole range of moral, legal and political discourses. Consequently, attempts to define the term precisely, scientifically and exhaustively have posed an inexplicable problem to scholars of various subjects due to its multidimensionality that makes its nature and meaning always a dynamic affair (Vyas, ND). For Plato and Aristotle justice is a matter of terms of social and political cooperation allocating basic tasks in the society on basis of functional specialization and situating people in the social roles expected of them (Sen, 2009). In the traditional liberal western political philosophy, i.e. of Thomas Hobbes, John Locke and Jean Jacques Rousseau, justice is result of social contract. These contracts a rain philosopher's saw justice as the outcome of a contract people make, for mutual advantage, to leave the state of nature and govern themselves by law (Nussbaum, 2004). The utilitarian perspective, advanced by Jeremy Bentham, James Mill and John Stuart Mill, on the other hand, placed central emphasis on the sum 'utility' of a person in understanding justice. The term 'utility' refers to the measure or function of happiness or pleasure of an individual (Tahezadeh, 2012). The fundamental doctrine underlying the utilitarianism is that because happiness is the only desirable thing, it is in itself an end; whilst all other things are a means to that end. Thus, every institution, law or action must be judged by the respective utilities – or the amount of pleasure and happiness - it generates. Hence, injustice in a society would consist of an 'aggregate loss of utilities compared with what could have been achieved' resulting in people of a society being considerably less happy, taken together, than they need be (Tahezadeh, 2012).

The notion of 'justice' was significantly revised after the work of John Rawls, the theory of Justice, described as being the most important and influential work in the field of political philosophy in the twentieth century (Rawls, 1999; Tahezadeh, 2012). The Rawls's theory rejects the notion of desert or merit as a basis of justice, as in the ancient tradition, and instead upholds that the fundamental idea in the concept of justice is fairness (Tungodden, 1996). Rawls believed that there are two basic principles of distribution based on equality and need. The first principle of justice is the claim to a fully adequate scheme of basic equal liberties which distributes primary goods (those mean that every rational man is presumed to want in order to promote his ends). The second principle of justice has two components: (i) the equal opportunity distributes opportunities for welfare, and (ii) the 'difference principle' distributes access to advantage. The difference principle further stipulates that any deviation from equality should be to the benefit of the least advantaged (Tahezadeh, 2012). An alternative view of justice came from the Libertarian School of Thought that regards justice just outcomes are those arrived at by the separate just actions of individuals.

⁴Questionnaire could have been used to further quantify the data and to substantiate the qualitative analysis of the cause and effect relationship of the study variables. However, this study relied on group discussion with purposively selected beneficiaries as the overwhelming majority of the beneficiaries are not only illiterate but also do not know the legal service fee that JULAC has rendered them and monetary value of the benefits of accessing justice, except in cases where court judgments or alternative resolutions directly earned them money. The monetary value of the benefits and layering costs of service are estimated by the legal professionals and students of the center taking into account the market price for variety of cases. Therefore, it becomes meaningless to ask beneficiaries the questions pertaining to the quantifiable value of benefits they have obtained. The quantified value has been obtained from key informants' interview and reports of the center.

This view of justice has been advanced by Robert Nozick *via* the widely known ‘entitlement theory’ which provides a philosophical defense of libertarian position of minimal state. The entitlement theory is proposed as a critique of an alternate model to Rawls theory. It is purely procedural theory of distributional justice which defends ‘whatever arises from a just situation by just steps is itself just’. Three aspects of this notion are: (a) principle of justice in original justification or acquisition (b) in transfer and (c) of rectification of unjust holdings (Nozick, 1974).

From the above discussion it could be argued that the ancient and modern philosophical works have viewed justice as a virtue of just society. However, a quite unique conception of justice has been put forth by Amartya Sen. In contrast with most modern theories of justice, which concentrate on the ‘just society’, Sen (2009) proposes the ‘capability approach’ which focuses on the relationship between people’s resources and what they can do with those resources. By criticizing Rawls’s principle of justice which gives priority based on lexical order, Sen questions the absolute precedence of liberty over other rights and needs, for instance, as in cases of poverty where the prioritizing of economic needs can lead to matters of life and death (Taherzadeh, 2012). Besides, attention should not only be given to what one holds but also to the relevant personal attributes that govern the person’s ability to promote his/her ends. To directly quote from one of his works, *The Idea of Justice*:

Freedom to choose gives us the opportunity to decide what we should do, but with that opportunity comes the responsibility for what we do – to the extent that they are chosen actions. Since a capability is the power to do something, the accountability that emanates from that ability – that power – is a part of the capability perspective, and this can make room for demands of duty ... The actual capabilities that people can have, take us inescapably to a large variety of further issues that turn out to be quite central to the analysis of justice in the world (Sen, 2009, p. 19).

Capabilities are in essence ‘substantive freedoms’ that enable a person to achieve various lifestyles one chooses. Accordingly, justice has to do with creating conditions whereby all individuals are able to increase their freedoms and enjoy equal capabilities (Taherzadeh, 2012). More recently, the governance framework has tended to focus more on identity, recognition, accountability and inclusive as well as participatory decision making as basic tenets of justice rather than strictly distributive justice.

Yet, for the purpose of this research it is pertinent to highlight the two notions of justice, which are apparent regardless of the prevalence of various yardsticks in judging about societies and systems in the world today. These are legal and social notions of justice. Legal justice is the punishment of wrongdoing and compensation of injury through the creation and enforcement of public set of rules, i.e. the law. It has two aspects (i) states the condition under which punishment is imposed according to the nature of crime and in the sphere of civil law adjusts the amount of restrictions that is made for injuries; (ii) establishes procedures of applying the law namely the principle of fair trial, rights of appeal and the like (Jost & Kay, 2010). Social justice, on the other hand, is a state of affairs, actual or ideal, in which benefits and burdens in a society are dispersed in accordance with some allocation principles (Taherzadeh, 2012). It also refers to a condition whereby certain procedures, norms and rules that govern political and other forms of decision making preserve the basic right, liberties and entitlements of individuals and groups; and human beings and other species are treated with dignity by authorities and relevant social factors, including fellow citizens (Jost & Kay, 2010). Scholars agree that social justice has three components: distributive, procedural and interactional matters that shape *what* pattern should be used to determine *who* gets *what* (Jost & Kay, 2010). Some of the issues that social justice deals with include matters like regulation of wages and profits, protection of individual’s rights through legal system, allocation of housing, medicine, welfare benefits and the like.

4.2. The Concept of ‘Poverty’ Defined

Poverty is generally understood as insufficiency of means for sustenance of relative human needs. Ali (2003, p. 193) defines ‘poverty’ as the “inability to attain minimal standards of living”. Meanwhile, the multi-dimensionality of the concept has progressively been acknowledged as poverty manifest itself in various dimensions of human life such as hunger, ill-being, joblessness, illiteracy, missing basic services, etc. The multi-dimensionality of poverty makes its conception very complex, and this complexity partly arises from the question: *who are the poor?* Underlining the importance of this question, Amartya Sen (1981, p. 9) argues that the first requirement of the concept of poverty is to determine “who should be the focus of our concern”. He, then, puts that the specification of certain ‘consumption norms’, or of poverty line may do part of the job.

Broadly speaking, there are two techniques of defining a poverty line and thus differentiating between the poor and non-poor. The first way is commonly referred to as the “absolute method”. The poor, in this case, are “those who, given the assumption pattern in the society, are unable to afford essentials” (Sahn, Dorosh, & Younger, 1997). Alternatively, the “relative method” views the poor as the segment of the population below some arbitrarily determined line. Here, the standard of comparison is the higher welfare of other members of the society (Webster & Engberg-Pedersen, 2002). In either of the cases, the ‘poor’ are those people whose consumption stands fall short of norm, or whose income lies below that line with the corresponding deprivation of a wide range of assets and capabilities they need (Narayan & Petesch, 2002).

Hence, the concept of poverty must include “two distinct but not unrelated exercises”, while the causation and effects of poverty need to be studied in their own ways (Sen, 1981, p. 11). These are methods of identifying a group of people as poor, i.e. “identification”, and a method of aggregating the characteristics of the set of poor people into an overall image of poverty, i.e. “aggregation”. Yet, Sen acknowledges that the penury of the poor does affect the wellbeing of the rich. But the question prevails as to whether such effects should enter into the consideration of poverty as such or under the possible effects of poverty. Corollary to the above point is that consensus is lacking among scholars as to what causes poverty and on how or whether it can be reduced. As J. Saurin (2000, p. 212) argues, “at no time was the cause of poverty addressed”. There is even a tendency to confirm what is often called the “naturalization of poverty”⁵. Nevertheless, it is argued poverty reduction at national and international levels is increasingly understood as involving complete interactions among a wide range of political, social and economic events. The point being, any development policy that aims to alleviate poverty has its own definition and the way one defines poverty affects how programmers are targeted and ultimately who benefits.

The above point leads us to analysis of the situation in Africa where by the economy enjoys consistent growth for more than a decade while of nearly, while many countries still exhibit high level of inequality and majority of their population continue to suffer from ‘structural’⁶ and ‘conjunctural’⁷ poverty. This is often exacerbated by inaccessible justice systems especially to the poor as rights and entitlements are by-and-large unknown to vast majority of ordinary citizens (Coninck, Culp, & Taylor, 2013). In many countries, socio-economic, civil and political rights are often flouted, and conflict is rife. Consequently, the demand for justice remains pervasive for the just allocation of resources, rights and opportunities. In the proceeding section, an attempt is made to present some major theoretical approaches explaining the nexus between access to justice and poverty reduction.

4.3. Access to Justice – Poverty Reduction Nexus Revisited

It is apparent that a cohesive law–development field, or for the purpose of this work, utilization of legal programs in poverty reduction schemes, is still in its evolutionary stage. Yet, a glance at literature of legal and development sciences pertinent to explain the relationship between ‘access to justice’ and ‘poverty reduction’ reveals three theoretical approaches which are worth mentioning.

The Rule of Law (Orthodox) Approach

The rule of law orthodoxy is the dominant paradigm which is characterized by a “top-down,” state-centered approach through which development agency personnel design and implement law-oriented projects in cooperation with high government officials (Golub, 2003:5). As Chapman and Payne (2013:17) explicitly put it: “promoting the rule of law has conventionally been upheld as a cure for a host of development problems, from societal fragility to poverty”. There are two sets of assumptions that have been used to rationalize support for the rule of law. The first is the belief that economic development depends on rule of law, and the belief that state building and consolidation depend on it. The second assumption that has largely dominated the international community’s approach prioritizes a strong central government with account table state dispute resolution processes that can manage conflict and promote law and order (Chapman & Payne, 2013).

⁵Naturalization of poverty is a notion which holds that poverty is both ‘inevitable’ and ‘irremovable’ part of a natural order (Saurin, 2000).

⁶*Structural poverty* refers to the aspects of poverty relating to more basic socio-economic issues like social organization, resource endowment, etc. (Webster & Engberg-Pedersen, 2002).

⁷*Conjunctural poverty* has to do with the impact of economic recession on the welfare of different groups of population (Webster & Engberg-Pedersen, 2002).

This approach has essentially been supported by multilateral development banks with the aim of building more investment-friendly legal systems that presumably help to spur the economic growth and poverty alleviation (Golub, 2003; Chapman & Payne, 2013). Yet, such initiatives tend to exclude supporting civil society or building the legal capacities and power of the poor (Rooij, 2007; Golub, 2003). As the orthodox approach has to entertain lot of criticisms for regarding the mechanics of law as magic bullet solutions for poverty and underdevelopment, alternative approaches, i.e., the right based and the capability approaches have come to the scene.

Right Based Approach

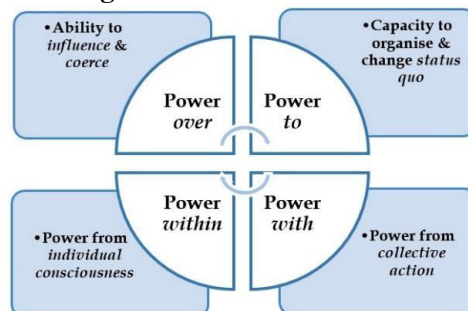
A rights-based approach (RBA), also known as the *normative* framework, deliberately and explicitly focuses on people achieving the minimum conditions for living with dignity (i.e. achieving their human rights) (CARE, 2005). The normative framework, guided by international human rights standards and principles, defines the “rules of the game” *via* limiting power of the organs of the state *vis-à-vis* the rights and duties of citizens (UNDP, 2004). The enactment of statutes protecting judicial independence, the establishment of judicial oversight bodies and watchdogs such as Ombudsmen, Human Rights Commissions, etc., are additional tools provided by the law to ensure proper application of the law and professionalism within the judiciary and other informal systems of justice (UNDP, 2005).

A rights-based approach recognizes poor, displaced, and war-affected people as having inherent rights essential to livelihood security – rights that are validated by international law (CARE, 2005). The UNDP being the foremost proponent of this approach has used it as a ‘lens’ to promote and support several programmers that are meant to realize more responsive and effective in meeting the needs of justice for all—especially the poor and marginalized (UNDP, 2004). It does so by exposing the roots of vulnerability and marginalization and expanding the range of responses. In this regard, UNDP points out that ‘availability’, ‘affordability’ and ‘adequacy’ are the three major challenges faced by vulnerable groups and, hence, contribution of legal aid services is immense as costs associated with legal services tend to discourage from seeking remedies where violations of rights of these groups happen (UNDP, 2004).

Capability Approach

The capability approach (CA) has emerged as an alternative to standard economic frameworks for thinking about poverty, human development and justice. Much of the contribution to the capability approach (CA) comes from the work of Nobel Prize winner economist Amartya Sen’s notion of “development as freedom”. His capability approach offers a unique and transformational perspective to pertinent issues addressing our current world (Taherzadeh, 2012). According to Sen (1999), poverty prevails when there is a deprivation of basic capabilities rather than merely lowness of incomes. For Sen, the concept of ‘capability’ refers to the ability of a person to achieve various combinations of functioning’s, i.e. valuable beings and doings, which are within a person’s, reach (1999). His empirical researches give emphasis on individual entitlements, capabilities and freedoms, to illustrate the ways in which the denial of civil and political rights can function as a means to improve their lives *via* unloading unjust constraints to human development. From this view point, any justice system that seeks to secure necessary capabilities for targeted segments of a society should be based on the analyses of power relations in that society and the manner in which those relations shape choices, opportunities and wellbeing. Various development practitioners have made use of this approach in their projects of empowerment *via* tackling disempowerment that causes disadvantage to the poor and vulnerable groups in control over their lives (JLSRI, 2013; Luttrell & Quiroz, 2009).

Figure 1: Categories of Power Relations in a Society

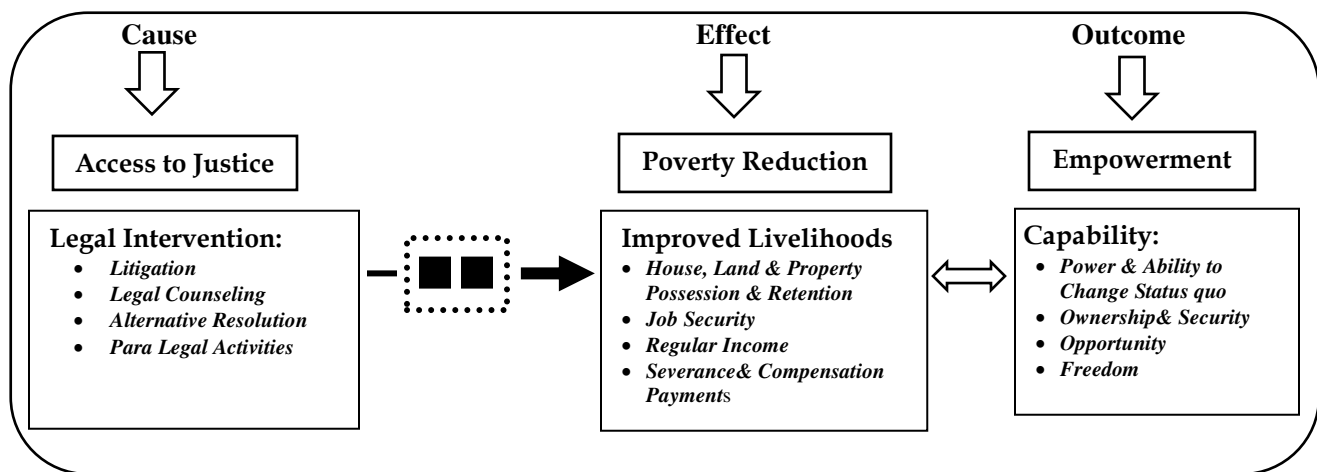


Source: Adapted from Cecilia & Quiroz, 2009.

Today, a consensus prevails as to how empowerment *via* access to justice could enhance the disadvantaged and excluded social groups define and control over their lives which they could not otherwise (Golub, 2013; Luttrell & Quiroz, 2009). The general agreement upholds that access to justice, to be meaningful, has to go beyond focusing on access of lawyers and courts to potential claimants: Measures to improve access to justice should focus on developing low-cost delivery models, taking into account the cost of legal services and legal remedies, capacity and willingness of the poor to pay for such services, congestions in the court system, the incentives of the judiciary and law enforcement agencies and the efficacy of informal and alternative dispute resolution mechanisms(UNGA , 2009).

Accordingly, various development practitioners, mainly in developing countries, have made use of this approach in their projects of empowerment *via* tackling the sources of disempowerment that causes disadvantage to the poor and vulnerable groups in control over their lives (JLSRI, 2013; Luttrell & Quiroz, 2009). And, several empirical studies have proven that legal aid services have yielded vital outcome. In this regard, it could be argued, in the Ethiopian case as well, although legal aid centers are primarily concerned with working towards access to justice and rule of law in its purely legal sense, it is evident from preliminary observation that the impact of their intervention on the life of many poor, by way of providing them new power to utilize legal and administrative remedies in realizing their constitutional rights, is by far beyond making the law work for everyone. The legal aid services of Ethiopian Universities that range from technical legal counseling and representation to the involvement in paralegal activities, which have enabled many poor and vulnerable people initiate and pursue justice, typically represent the so-called ‘developmental legal aid’. It is within this framework that this research attempted to reveal the relevance of legal aid services in poverty alleviation in Ethiopia by assessing the engagements of Jimma University Legal Aid Center. Accordingly, the conceptual framework of this research drives from the relevant approaches in the subject matter of access to justice and poverty reduction. Below is a diagram depicting conceptual framework utilized and the correlation among the variables involved in the study as per their significance.

Figure 2: Conceptual Framework

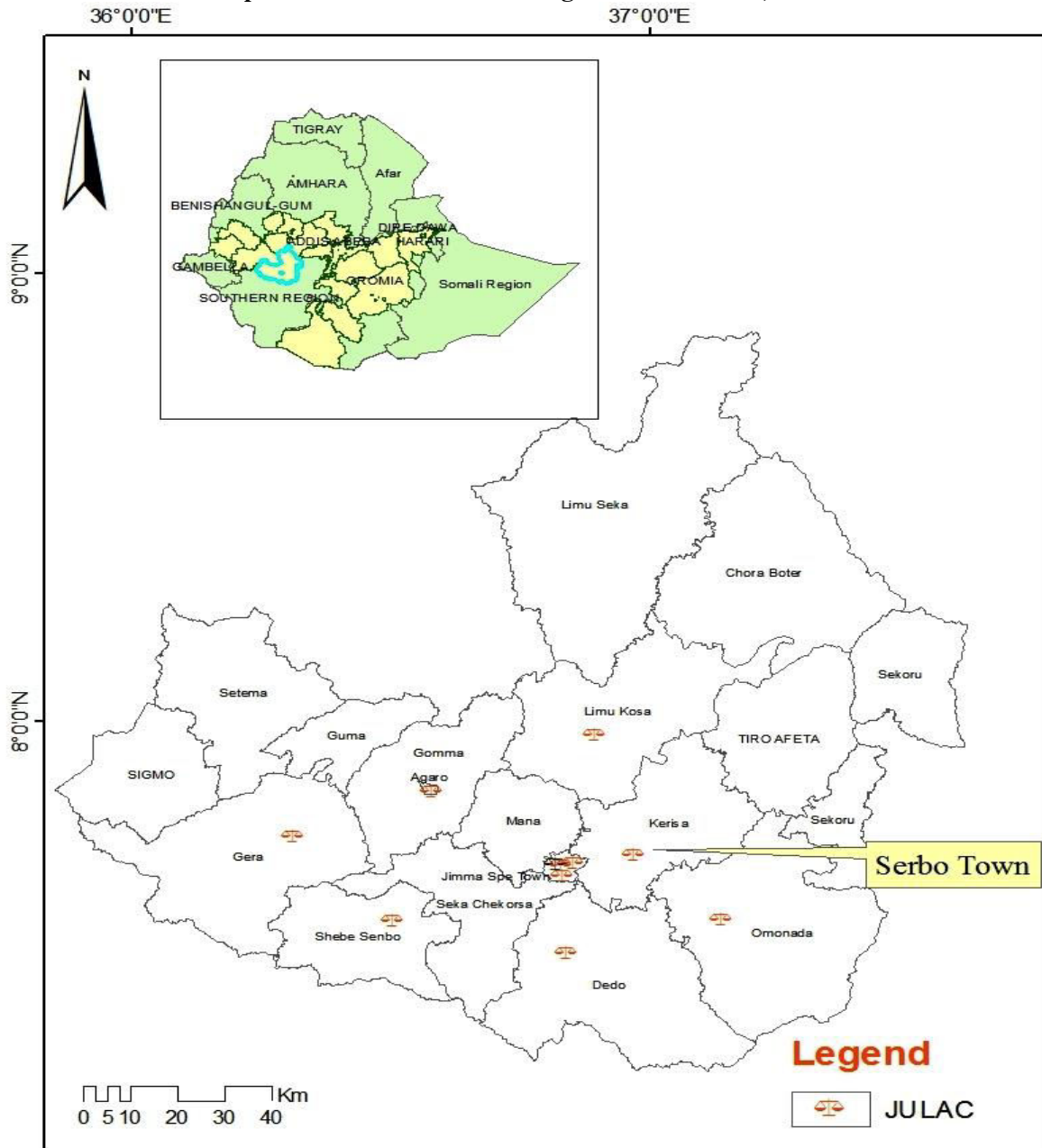


5. Results and Discussions

5.1. Establishment

JULAC was established on 25th December of 2008 by the then Law Faculty (now School of Law) in line with the philosophy of Jimma University (JU), which is known to be a national pioneer for its innovative community oriented educational system (JULAC, 2012). The center was primarily formed with the ultimate aim of bridging the gap between access to justice and indigence *via* providing free legal services to indigents and vulnerable groups in and around Jimma town. Initially, service delivery was started by opening two centers at Jimma Zone High Court and Jimma Woreda Court. However, the number of centers increased to six in the year 2011/2 by opening new centers in Agaro, Dedo, Serbo and Jimma Zone Prison (JULAC, 2012).

Map 1: JULAC Service Coverage in Jimma Zone, 2016.



Currently, with four more branch offices established in Gera, Limu, Omo – Nadda and Shabe, JULAC has not only made eleven (see *Map-1* above) branch offices but also elevated the outreach and quality of the Center’s legal services increasing the number of beneficiaries extensively (Kabie, 2016; Alemu, 2016). Currently, JULAC is providing its services in all branches by employing 6 lawyers, and 7 interns of Law School in view of exposing them to the practical aspect of legal profession (Kabie, 2016). Thus, practically speaking, the significance of JULAC legal aid services extends beyond direct beneficiaries to the students and other stakeholders within and outside the justice system (JULAC, 2012). Administratively, JULAC is organized in such a way that it has a central managing director who is assisted by two vice directors. The vice director for service provision and quality control is responsible to take care of the operation of all branch offices in different workdays as well as to recruit and coordinate volunteers. The other assistant, i.e. vice-director for research and capacity building, is the one who manages research and advertisement activities of the center (Alemu, 2016).

5.2. Provision of Legal Services and Achievements

The charge free legal aid services including facilitation of alternative dispute resolution (ADR), provision of legal counseling, preparation of documents, representation of beneficiaries in courts and other paralegal engagements are considered to be the major explanatory variables under JULAC intervention. Although the nature of cases matter, JULAC’s priority legal service is counseling.

Figure 3: JULAC Procedure of Legal Aid Service Provision



Source: Adopted from JULAC, 2012.

When cases demand more legal services than counseling, JULAC facilitates ADR before resorting to court litigation because ADR (alternative dispute resolution mechanism) is the cost-effective and speedy way of solving disputes. It has settled family disputes, maintained a smooth relationship among relatives, and secured severance payment and employment retention for low paid jobs in cases of unlawful dismissal after settlement of disputes over succession only *via* facilitation of arbitration, negotiation, mediation and conciliation without going to court (Alemu, 2016; Shagerdi, 2015; Kabie, 2016).

As to JULAC, not everyone is eligible to get the free legal aid service of the center (JULAC, 2012). Some of the target groups, i.e. women, children, people with disability, veterans, prison inmates, and HIV/AIDS victims and others would be eligible provided that there is no evidence which shows that they could be able to get legal service otherwise. Conditional eligibility also applies provided that the person seeking the service is a ‘pauper’, who cannot afford to pay for the legal services and could not get legal service otherwise (JULAC, 2012). Below is detailed presentation of legal aid services provided by JULAC in 11 centers between 2011/2 & 2015/6.

Table 1: JULAC Services Rendered Across Centers ⁸(2011/2-2015/6)

Service Rendered	Main Office	High Court	Zone Prison	Jimma Woreda	Agaro	Serbo	Dedo	Gera	Limu	Nada	Shebe	Total
ADR	62	30	2	28	25	38	42	8	2	9	10	256
Counseling	364	1,008	1,622	2,153	543	621	618	26	21	38	31	7,045
Document	235	674	1,910	1,371	431	451	416	65	10	65	89	5,717
Representation	82	113	114	127	82	121	98	5	2	12	8	764
<i>Sum</i>	<i>743</i>	<i>1,825</i>	<i>3,648</i>	<i>3,679</i>	<i>1,081</i>	<i>1231</i>	<i>1174</i>	<i>104</i>	<i>35</i>	<i>124</i>	<i>138</i>	<i>13,782</i>

Source: Computed from JULAC Reports of 2012, 2015 (a), 2015 (b) and of 2016.

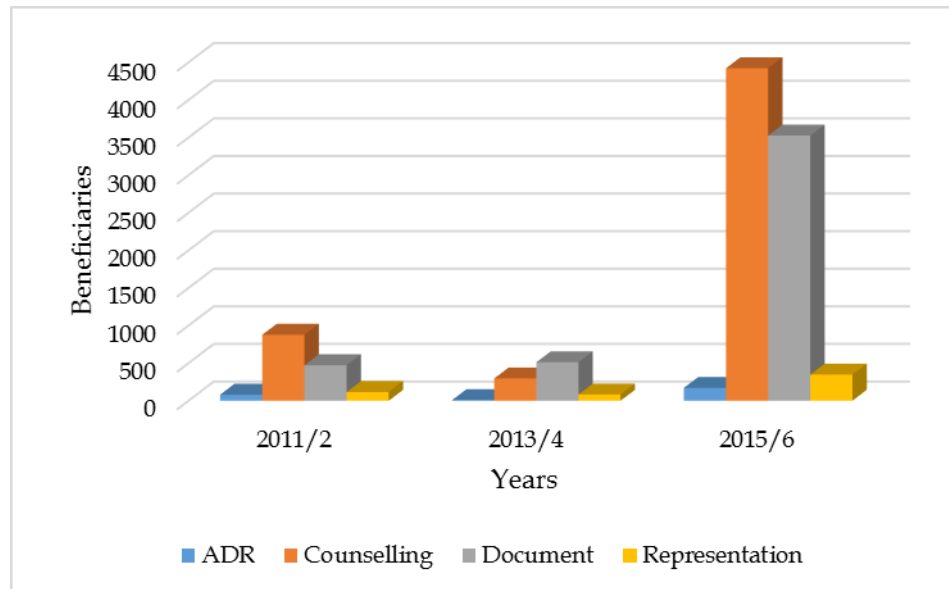
From the above table, it appears that JULAC has provided the highest record of services at its branch found at the heart of the town, i.e. Jimma woreda court, which together with Zone Prison center shared more than half; while the new branches (Gera, Limu, Nada & Shebe) exhibited least frequency of services. It is also observable the legal counseling is the dominant mode of service provision as it shared 51% of the total services. This attributed to the very strategy of JULAC which favors the use of counseling as a priority legal aid. The second most frequent service of JULAC is document preparation, which includes writing of pleadings, memorandum, application for execution of court decisions, etc. The fact that most of beneficiaries are illiterate has contributed the voluminous services in this regard. While ADR service appears to be numerically minuscule in JULAC reports, compared to other services provided, result wise the Center has been effective in reducing the lengthy process of litigation and in maintaining a smooth relationship among disputants. It has to be mentioned here that JULAC has 100 percent record of winning cases that it represented in court rooms ever since its establishment, which shows how just cause of entitlement has shown the preeminence of realizing justice despite lacking the capacity and avenue to seek remedy (Kabie, 2016).

In addition to the upsurge of JULAC outreach, the performance of the center is a meaningful reason to attract many women, elderly and others to seek its service. According to the official reports of JULAC and the interview with the key informants, the overwhelming majority of the beneficiaries were women.

⁸ Note the last four (Gera, Limu, Nada & Shebe) centers were established in the 2015/6 and the data thereof is the performance report of one year alone.

In the year 2015/6, of the total 8485 beneficiaries, 6884 (81.3%) were female (JULAC, 2016). An analysis of the trend of legal aid intervention of JULAC Candidates that the difference of number of beneficiaries of services during the formative years and of 2015/6 is visible as in *Chart-1* (see below). Besides, it is self-revealing that JULAC's representation of beneficiaries in court rooms has shown a substantial increase.

Chart 1: Legal Aid Services Provided by All Branches of JULAC (2011/2–2015/6)



Source: Computed from JULAC Reports of 2012, 2015 (a), 2015 (b) and of 2016.

For the purpose of this study, it is equally important, here, to look at the type of cases that JULAC has been handling. Below is the recent data of distribution of the annual JULAC services by type of cases in 2015/6 in Table 2.

In Table 2 (below), it can be interpreted that criminal matters treated by JULAC is statistically significant as it shares nearly one-fifth of the total services provided in all branch centers during the 2015/6 fiscal year.

Table 2: Distribution of Legal Aid Services of JULAC by the Type of Cases in 2015/6

Type of Case	Main Office	High Court	Zone Prison	Jimma Woreda	Agaro	Dedo	Gera	Limu	Nada	Serbo	Shebe	Total
Contractual	10	24	0	124	13	39	8	0	6	2	7	233
Criminal	2	8	1646	16	21	14	12	0	3	3	3	1728
Employment	3	19	0	133	22	54	15	0	4	20	6	276
Family	288	1040	0	2020	212	248	46	25	67	459	76	4481
Land	4	21	12	218	82	42	35	5	16	42	18	495
Property	47	121	0	431	98	168	23	4	23	42	23	980
Tort	30	19	10	118	36	31	5	1	5	32	5	292
Sum	384	1252	1668	3060	484	596	144	35	124	600	138	8485

Source: Computed from JULAC Performance Report, 2016.

It has to be noted more than 95% of the criminal cases were handled at Jimma Zone Prison Administration and most of the services rendered are document preparation (E.g. writing appeals of different kind) for sentenced prisoners. To make the data of Table 2 (see above) more meaningful, it can be further interpreted that family issues are the most frequent cases sharing half of the total, constituting three-fourth of total cases received by JULAC if combined with land, employment and property related matters. The point of interest in this research is that family issues, land and property related cases handled by JULAC are essential as they resemble what is known to the literature as a “developmental legal aid” that emphasizes on the three livelihood-oriented pillars: (i) property rights mainly involving land, (ii) labor rights and (iii) mainly micro and small business rights; while the fourth subsidiary factor is an enabling framework constituting access to justice with legal identity for persons otherwise denied legal status, and thus certain rights and benefits as a cornerstone (IDLO, 2010).

These issues practically matter for vulnerable groups as they directly affect the latter by determining the making and sustenance of their livelihood. From the group discussion with beneficiaries it is found out that due to the patrimonial nature of the society, family matters ranging from improper settlement of divorce, irregular union, disowning child, maintenance income to bi-gamy make life hopeless for many women by putting them in a poverty trap. To this effect, the discussants reiterated that it is not that beyond comprehension to grasp what it means to win a deserved regular maintenance allowance for a poor woman, leading a destitute life, to raise her child in cases of post-divorce denial of paternity and in some cases because of irregular unions. It has to be mentioned here that in the year 2014/5 alone, JULAC has covered 24,000 ETB for DNA testing to prove paternity while presence of the money itself has resulted in 20 paternity acceptances by the alleged fathers (JULAC, 2015 b). Employment related matters served by JULAC should also be seen in the same lens. Job is the most important means of livelihood. It is one of the factors that determine the survival of many poor. From the FGDs, it is revealed that the instances where the women are family heads, employment related problems emanating from unlawful dismissal from job often results in far more complicated problems of livelihood as all members of the family bear the consequences. In order to bring such matters to justice, JULAC has recently devised a mechanism whereby labor cases could be addressed primarily *via* negotiation based on the partnership made with Jimma Zone Labor and Social Affairs Office, and hence, labor cases would be taken to formal courts only when such mechanisms fail (JULAC, 2015 a). Some of beneficiaries⁹ mentioned, during the FGD, that such schemes have benefited them as a remedy for claiming justice.

It is apparent in Table 2 (above) that the total share legal services of JULAC pertaining to the issue of land is nearly 6 percent for 2015/6. However, this should not mislead to a conclusion that JULAC's intervention in the settlement of land related matters is insignificant. Land is not merely an economic resource of a substantial value, for it is neither produced nor reproducible, providing a means of livelihood, but it is something that determines the very personhood of an individual. In the FGD with the beneficiaries, discussants characterized 'land' as a defining feature of the deeper self-identity and belongingness. For instance, one of the beneficiaries in the FGD who got the JULAC service and managed to secure his land has obtained a benefit that far exceeds three times of an estimated monetary value of the benefits of all discussants combined together (see Table 3 below). Hence, it is not that difficult to guess what it means for a lonely wage laborer who lost both parents to get back the inherited plot of land half of which was claimed by a former neighbor who took the advantage of his appointment a guardian and tutor to prepare false title deed, while the rest has been transferred to someone else by way of sale. Similarly, it means a lot for 70 years old man to secure the land he lost due to unjust claim of neighbors who took the advantage of absence of anybody for him. The same holds true for property related cases addressed by JULAC. The nature and magnitude of value that the "haves" and "have notes" attribute to same property are by no means the same or even similar. The point being, the meaning of life that drives from securing or retaining the property *via* access to justice appears to have pivotal value for the poor and disadvantaged claimants not only for the betterment of their life but also, in some cases, for their very survival. An attempt is made, in Table 3 (see below), to present the monetary value of JULAC services obtained from the key informants and beneficiaries that participated in the FGD.

⁹One of the beneficiaries, AG, shared her experience whereby she was unlawfully dismissed from the work she worked for about a decade. Following the dismissal, she was requesting her employer to write her work experience besides claiming 300 ETB. It was the disappointment resulting from the refusal of her employer that forced her to go to the social security office of Jimma Town which brought the matter to JULAC for justice. Finally, JULAC succeeded in winning the case representing her before the court of law that passed an order to the employer to pay her 9,451 ETB.

Table 3: Monetary Value of Benefits of JULAC Services for Discussants¹⁰ (2015/6)

S.N	FGD Members	Sex	Cases Served	Benefit of Judgment (in ETB)	Cost of Lawyering (in ETB)
1.	AM	F	Labour	76,480	8,000
2.	TAG	M	Labour	22,024	3,000
3.	AG	F	Labour	28,470	4,000
4.	AD	F	Labour	17,460	4,000
5.	HJ	M	Land	1.8 Mill	200,000
6.	AS	M	Labour	24,000	2,400
7.	MAR	F	Succession	49,000	4,900
8.	GM	F	Succession	300,000	30,000
9.	BA	M	Tort	76,500	8,000
10.	SH	F	Maintenance	1,500	500
11.	WA	F	Family & Property	80,000	8,000
12.	AA	F	Property	27,000	2,700
Total				2,502,434	275,500

Source: Focus Group Discussion and Key Informants' Interview, 2016.

From the FGD of beneficiaries, it has been found out the results of judgment presented above meant a lot for their livelihood as most of them do not afford to pay even small amount of money for layering services. By doing so, JULAC interventions have effected in judgments that secured beneficiaries, in the year 2015/6 alone, an estimated monetary value of 4,212,070 ETB; it saved them from incurring a total layering cost of 375,500 ETB (JULAC, 2016).

More recently, JULAC has set a standard for each service it provides with the aim of taking its contribution a step further. As per JULAC standard of service, which is already in use since the beginning of 2015/6 budget year, legal counseling for a single client takes effect in a time of 1.5 hour; preparation of pleading takes a total of 5 hours in two days for it needs a review of appropriate laws and preparing a file; ADR total of 3 hours; preparation of appeal 4:30 hours; special applications not more than 2 hours; application of court decision executions 1:40 hour. And, to ensure that these standards are met, JULAC has prepared and been making use of standard formats and documentation including for legal counseling reporting, appointment, divorce, defense, adoption, guardian and tutorship, warrant, name change, appeal, pauper and several other application formats (Alemu, 2016; Kabie, 2016). In sum, central to the analysis presented above is the point that JULAC engagements, particularly in issues that involve social and economic rights are so meaningful and so are their impact on the life of the poor, women, children and the elderly in realizing what is "valuable outcome" for them, in this case getting out of poverty trap.

5.3. Paralegal Engagements of JULAC

Different scholarly researches have shown that awareness of rights depends on public information campaigns, so legal literacy and awareness programs augment legal aid in a vital way. In this regard, JULAC has been involved, since 2013/4, in legal awareness rising using the FM 102.0 community radio which is broadcasted 2 hours every week both in Afan Oromo and Amharic. While the subject matter of human rights dominates the radio program me sharing 12 hours of the total 104 air time broadcasted in both languages per year, other subject matters such as women and children's rights and law of family, of land, property and succession, of employment and labor, etc are also covered (JULAC, 2016). Assuming that at least 10% of the population would listen to the FM Radiobroadcast, JULAC believes that 450,000 persons in different wore as of Jimma Zone might have benefited from this campaign (Kabie, 2016). The awareness raising campaign has also been done *via* producing and distribution of pamphlets on various legal matters that the center believes to have benefited 17,000 citizens (Alemu, 2016).

As of 2015, the JULAC, has evaluated its engagement, has found out and recognized that identified lack or poor understanding of the basic laws of the country even amongst worked and keeled levels officials of Jimma zone. In

¹⁰ The list of the focus group discussants is presented in an abbreviated form taking the initial letters of their own and father's name, as put in the second column of Table 3, for the purpose of confidentiality.

order to alleviate this problem, the center has designed a series of legal education campaigns in selected six word's zonal administrations in three main topics, i.e. women, children, and people with disability to provide basic legal education training (JULAC, 2015 b). Paralegal engagements of JULAC have also been helping people to assert their rights inside and outside the legal environment. To this end, JULAC has been providing extra-legal services, combined with legal services, in most of the branch offices particularly at the Prison Center. In 2011/2 alone, the Center was able to secure the release of more than 50 prisoners, after collecting evidence of the period of detention in different police stations before a verdict of guilt is passed by court as it would be counted in the sentence (JULAC, 2012). While this was regarded as a considerable success within a brief time, the Center has also been giving social services like helping prisoners connect to their family (JULAC, 2012; JULAC, 2015 b).

5.4. Challenges

The eight years of free legal aid service, however, was not unproblematic. Finance is one of the underpinning factors constituting a significant challenge as informed by one of the key informants. In the year 2014/5, lack of finance has forced the Center to withdraw its services in Agaro, Dedo and Serbo branch offices (JULAC, 2015 a). Although Jimma University, the Ethiopian Human Rights Commission, and the Supreme Court of Oromia are working with JULAC as funding partners, finance continues to be a severe problem as there are requests for establishment of branch offices especially in areas where domestic violence is stark. Besides, some of the services which are becoming significantly necessary. For instance, client's representation in court rooms by its very nature requires a regular follow up and strong financial commitment. Needles to add, this financial constraint has also undermined the supervision & monitoring activities in different branches of distant sites.

Knights (2013) indicates that in several African countries, one should not undermine lack of political and administrative will as the "courts would no longer have the monopoly of the decision-making" in adjudications over property rights. In Ethiopia, too, overlapping jurisdiction shared by multiple authorities, at different tiers of administration, often complicates the process of serving justice particularly in relation to land as JULAC has been facing. Though JULAC has already established partnerships with Labor & Social Affairs Office and Justice Bureau Jimma Zone, Courts and Human Rights Commission (Jimma Branch Office), the challenge shall continue to prevail as any empowerment effort tend to threaten the *hitherto* work relationships with local elites by disrupting the established locus of power that they hold over marginalized populations (Alemu, 2016).

Due to its performance, there is a growing publicity of JULAC services which has eventually brought many who have been suffering denial of justices for lacking access. Yet, an eventual rise of the number of people demanding its service necessitates the prevalence of more professionals which in turn has resource implications (Shagerdi, 2015). It is also worth mentioning that there is a wrong perception about the free legal aid service itself (Kabie, 2016). While JULAC is providing a professional legal service for free, many clients often tend to; instead, seek a financial support from the center. Until recently, JULAC significantly relies on voluntary professionals. It has been experiencing a significant turn over as volunteers often go for better salaries and work conditions. FGD with the interns vindicated that even though the center has been recruiting professional lawyers in some branch offices, JULAC continues to suffer from frequent leave of staff. Using graduating law interns also constitute a substantial portion of the challenges in JULAC legal aid services. Graduating class students undertaking clinical course activities often face schedule overlap to provide the demanded service and attending classes.

Conclusion

A wide array of literature portrays that a cohesive law-development field, or for the purpose of this research, utilization of legal programs in poverty reduction schemes, is still in its infancy. The earliest approach in this field, the orthodox perspective, however, has suffered a lot for regarding the mechanics of law as magic bullet solutions for poverty and underdevelopment. It is this reaction to limitations of this dominant approach that generated alternative approaches which tend to based on rights-oriented strategies. More recently, it is, rather, the rise of capability approach, and subsequent re-definition of poverty in terms of the deprivation of capabilities and opportunities rather than solely a function of income, that had a profound impact in guiding development practitioners to initiate bottom-up approaches, mainly legal aid services, to help the disadvantaged segments of societies to overcome systemic barriers of access to justice like costs and bureaucratic obstacles.

And, several empirical studies have proven that legal aid services have yielded vital outcome, for instance as the case in South Africa, where it is even impossible to think of many people's life today without considering the impact of legal aid. It is within this framework that an attempt is made in this research to reveal the relevance of legal aid services in poverty alleviation by assessing the engagements of JULAC, over the last eight years, using

case study. Although JULAC is primarily concerned with working towards access to justice and rule of law in its purely legal sense, the impact of its intervention on the life of many poor, by way of providing them new power to utilize legal and administrative remedies in realizing their constitutional rights, is by far beyond making the law work for everyone. It has empowered many poor citizens to protect their land; kept the innocent out of jail; sheltered many; realized practical rights to properties; improved the life of many children with proof of paternity; and secured vital severance payment or pensions for the disabled, orphaned, or elderly all of which could assist alleviating poverty.

In doing so, the legal aid services of JULAC have significant impact on poverty alleviation by enhancing, the so-called, ‘human agency’, which involves the creation and development of capacity as well as condition for wielding power over their life for target population. To this effect, legal aid services of JULAC that range from technical legal counseling and representation to the involvement in paralegal activities, which have enabled many poor and vulnerable people to initiate and pursue justice, typically represent the so-called ‘developmental legal aid’. In the final analysis, it could, thus, be argued in view of capability approach, that JULAC efforts, far beyond realizing equality before the law and respect of constitutionally guaranteed human rights, have resulted in the creation and expansion of the capabilities for women, poor and other vulnerable populations to lead a kind of life they value *via* enhancing their freedom in which they have the reason to value that is crucial in itself and important in enhancing their opportunity to have valuable outcomes. Yet, the significance of further scholarly researches on this topic becomes pervasive not only in enriching this insight but also in scaling it up by designing participatory demand-driven legal aid services and integration of such schemes into governance programs, as these are the factors that ultimately determine the sustainability of the processes and impacts of empowerment endeavors.

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