

How to Put the Power of Law in People's Hands by ted.com

I want to tell you about someone. I'm going to call him Ravi Nanda. I'm changing his name to protect his safety.

Ravi's from a community of herdspeople in Gujarat on the western coast of India, same place my own family comes from. When he was 10 years old, his entire community was forced to move because a multinational corporation constructed a manufacturing facility on the land where they lived. Then, 20 years later, the same company built a cement factory 100 meters from where they live now. India has got strong environmental regulations on paper, but this company has violated many of them. Dust from that factory covers Ravi's mustache and everything he wears. I spent just two days in his place, and I coughed for a week. Ravi says that if people or animals eat anything that grows in his village or drink the water, they get sick. He says children now walk long distances with cattle and buffalo to find uncontaminated grazing land. He says many of those kids have dropped out of school, including three of his own.

Ravi has appealed to the company for years. He said, "I've written so many letters my family could cremate me with them. They wouldn't need to buy any wood."

(Laughter)

He said the company ignored every one of those letters, and so in 2013, Ravi Nanda decided to use the last means of protest he thought he had left. He walked to the gates of that factory with a bucket of petrol in his hands, intending to set himself on fire.

Ravi is not alone in his desperation. The UN estimates that worldwide, four billion people live without basic access to justice. These people face grave threats to their safety, their livelihoods, their dignity. There are almost always laws on the books that would protect these people, but they've often never heard of those laws, and the systems that are supposed to enforce those laws are corrupt or broken or both.

We are living with a global epidemic of injustice, but we've been choosing to ignore it. Right now, in Sierra Leone, in Cambodia, in Ethiopia, farmers are being cajoled into putting their thumbprints on 50-year lease agreements, signing away all the land they've ever known for a pittance without anybody even explaining the terms. Governments seem to think that's OK. Right now, in the United States, in India, in Slovenia, people like Ravi are raising their children in the shadow of factories or mines that are poisoning their air and their water. There are environmental laws that

would protect these people, but many have never seen those laws, let alone having a shot at enforcing them. And the world seems to have decided that's OK.

What would it take to change that? Law is supposed to be the language we use to translate our dreams about justice into living institutions that hold us together. Law is supposed to be the difference between a society ruled by the most powerful and one that honors the dignity of everyone, strong or weak.

That's why I told my grandmother 20 years ago that I wanted to go to law school. Grandma didn't pause. She didn't skip a beat. She said to me, "Lawyer is liar."

(Laughter)

That was discouraging.

(Laughter)

But grandma's right, in a way. Something about law and lawyers has gone wrong. We lawyers are usually expensive, first of all, and we tend to focus on formal court channels that are impractical for many of the problems people face. Worse, our profession has shrouded law in a cloak of complexity. Law is like riot gear on a police officer. It's intimidating and impenetrable, and it's hard to tell there's something human underneath.

If we're going to make justice a reality for everyone, we need to turn law from an abstraction or a threat into something that every single person can understand, use and shape. Lawyers are crucial in that fight, no doubt, but we can't leave it to lawyers alone. In health care, for example, we don't just rely on doctors to serve patients. We have nurses and midwives and community health workers. The same should be true of justice. Community legal workers, sometimes we call them community paralegals, or barefoot lawyers, can be a bridge. These paralegals are from the communities they serve. They demystify law, break it down into simple terms, and then they help people look for a solution. They don't focus on the courts alone. They look everywhere: ministry departments, local government, an ombudsman's office. Lawyers sometimes say to their clients, "I'll handle it for you. I've got you." Paralegals have a different message, not "I'm going to solve it for you," but "We're going to solve it together, and in the process, we're both going to grow."

Community paralegals saved my own relationship to law. After about a year in law school, I almost dropped out. I was thinking maybe I should have listened to my grandmother. It was when I started working with paralegals in Sierra Leone, in 2003, that I began feeling hopeful about the law again, and I have been obsessed ever since.

Let me come back to Ravi. 2013, he did reach the gates of that factory with the bucket of petrol in his hands, but he was arrested before he could follow through. He didn't have to spend long in jail, but he felt completely defeated.

Then, two years later, he met someone. I'm going to call him Kush. Kush is part of a team of community paralegals that works for environmental justice on the Gujarat coast. Kush explained to Ravi that there was law on his side. Kush translated into Gujarati something Ravi had never seen. It's called the "consent to operate." It's issued

by the state government, and it allows the factory to run only if it complies with specific conditions. So together, they compared the legal requirements with reality, they collected evidence, and they drafted an application -- not to the courts, but to two administrative institutions, the Pollution Control Board and the district administration. Those applications started turning the creaky wheels of enforcement. A pollution officer came for a site inspection, and after that, the company started running an air filtration system it was supposed to have been using all along. It also started covering the 100 trucks that come and go from that plant every day. Those two measures reduced the air pollution considerably. The case is far from over, but learning and using law gave Ravi hope.

There are people like Kush walking alongside people like Ravi in many places. Today, I work with a group called Namati. Namati helps convene a global network dedicated to legal empowerment. All together, we are over a thousand organizations in 120 countries. Collectively, we deploy tens of thousands of community paralegals.

Let me give you another example. This is Khadija Hamsa. She is one of five million people in Kenya who faces a discriminatory vetting process when trying to obtain a national ID card. It is like the Jim Crow South in the United States. If you are from a certain set of tribes, most of them Muslim, you get sent to a different line. Without an ID, you can't apply for a job. You can't get a bank loan. You can't enroll in university. You are excluded from society. Khadija tried off and on to get an ID for eight years, without success. Then she met a paralegal working in her community named Hassan Kassim. Hassan explained to Khadija how vetting works, he helped her gather the documents she needed, helped prep her to go before the vetting committee. Finally, she was able to get an ID with Hassan's help. First thing she did with it was use it to apply for birth certificates for her children, which they need in order to go to school.

In the United States, among many other problems, we have a housing crisis. In many cities, 90 percent of the landlords in housing court have attorneys, while 90 percent of the tenants do not. In New York, a new crew of paralegals -- they're called Access to Justice Navigators -- helps people to understand housing law and to advocate for themselves. Normally in New York, one out of nine tenants brought to housing court gets evicted. Researchers took a look at 150 cases in which people had help from these paralegals, and they found no evictions at all, not one. A little bit of legal empowerment can go a long way.

I see the beginnings of a real movement, but we're nowhere near what's necessary. Not yet. In most countries around the world, governments do not provide a single dollar of support to paralegals like Hassan and Kush. Most governments don't even recognize the role paralegals play, or protect paralegals from harm. I also don't want to give you the impression that paralegals and their clients win every time. Not at all. That cement factory behind Ravi's village, it's been turning off the filtration system at night, when it's least likely that the company would get caught. Running that filter costs money. Ravi WhatsApps photos of the polluted night sky. This is one he sent to Kush in May. Ravi says the air is still unbreathable. At one point this year, Ravi went on hunger strike. Kush was frustrated. He said, "We can win if we use the law." Ravi said, "I believe in the law, I do, but it's not getting us far enough."

Whether it's India, Kenya, the United States or anywhere else, trying to squeeze justice out of broken systems is like Ravi's case. Hope and despair are neck and neck. And so not only do we urgently need to support and protect the work of barefoot lawyers around the world, we need to change the systems themselves. Every case a paralegal takes on is a story about how a system is working in practice. When you put

those stories together, it gives you a detailed portrait of the system as a whole. People can use that information to demand improvements to laws and policies. In India, paralegals and clients have drawn on their case experience to propose smarter regulations for the handling of minerals. In Kenya, paralegals and clients are using data from thousands of cases to argue that vetting is unconstitutional.

This is a different way of approaching reform. This is not a consultant flying into Myanmar with a template he's going to cut and paste from Macedonia, and this is not an angry tweet. This is about growing reforms from the experience of ordinary people trying to make the rules and systems work. This transformation in the relationship between people and law is the right thing to do. It's also essential for overcoming all of the other great challenges of our times. We are not going to avert environmental collapse if the people most affected by pollution don't have a say in what happens to the land and the water, and we won't succeed in reducing poverty or expanding opportunity if poor people can't exercise their basic rights. And I believe we won't overcome the despair that authoritarian politicians prey upon if our systems stay rigged.

I called Ravi before coming here to ask permission to share his story. I asked if there was any message he wanted to give people. He said, "[Gujarati]." Wake up. "[Gujarati]." Don't be afraid. "[Gujarati]." Fight with paper. By that I think he means fight using law rather than guns. "[Gujarati]." Maybe not today, maybe not this year, maybe not in five years, but find justice.

If this guy, whose entire community is being poisoned every single day, who was ready to take his own life -- if he's not giving up on seeking justice, then the world can't give up either. Ultimately, what Ravi calls "fighting with paper" is about forging a deeper version of democracy in which we the people, we don't just cast ballots every few years, we take part daily in the rules and institutions that hold us together, in which everyone, even the least powerful, can know law, use law and shape law. Making that happen, winning that fight, requires all of us.

Thank you guys. Thank you. [Applause]

Kelo Kubu: Thanks, Vivek. So I'm going to make a few assumptions that people in this room know what the Sustainable Development Goals are and how the process works, but I want us to talk a little bit about Goal 16: Peace, justice and strong institutions.

Vivek Maru: Yeah. Anybody remember the Millennium Development Goals? They were adopted in 2000 by the UN and governments around the world, and they were for essential, laudable things. It was reduce child mortality by two thirds, cut hunger in half, crucial things. But there was no mention of justice or fairness or accountability or corruption, and we have made progress during the 15 years when those goals were in effect, but we are way behind what justice demands, and we're not going to get there unless we take justice into account. And so when the debate started about the next development framework, the 2030 Sustainable Development Goals, our community came together around the world to argue that access to justice and legal empowerment should be a part of that new framework. And there was a lot of resistance. Those things are more political, more contentious than the other ones, so we didn't know until the night before whether it was going to come through. We squeaked by. The 16th out of 17 goals commits to access to justice for all, which is a big deal. It's a big deal, yes. Let's clap for justice.

(Applause)

Here's the scandal, though. The day the goals were adopted, most of them were accompanied by big commitments: a billion dollars from the Gates Foundation and the British government for nutrition; 25 billion in public-private financing for health care for women and children. On access to justice, we had the words on the paper, but nobody pledged a penny, and so that is the opportunity and the challenge that we face right now. The world recognizes more than ever before that you can't have development without justice, that people can't improve their lives if they can't exercise their rights, and what we need to do now is turn that rhetoric, turn that principle, into reality.

(Applause)

KK: How can we help? What can people in this room do?

VM: Great question. Thank you for asking. I would say three things. One is invest. If you have 10 dollars, or a hundred dollars, a million dollars, consider putting some of it towards grassroots legal empowerment. It's important in its own right and it's crucial for just about everything else we care about.

Number two, push your politicians and your governments to make this a public priority. Just like health or education, access to justice should be one of the things that a government owes its people, and we're nowhere close to that, neither in rich countries or poor countries. Number three is: be a paralegal in your own life. Find an injustice or a problem where you live. It's not hard to find, if you look. Is the river being contaminated, the one that passes through the city where you live? Are there workers getting paid less than minimum wage or who are working without safety gear? Get to know the people most affected, find out what the rules say, see if you can use those rules to get a solution. If it doesn't work, see if you can come together to improve those rules. Because if we all start knowing law, using law and shaping law, then we will be building that deeper version of democracy that I believe our world desperately needs.

(Applause)

KK: Thanks so much, Vivek.

VM: Thank you.