

The Expansion of CLE Initiatives Throughout SE Asia and the Role of Bridges Across Borders

By Bruce A. Lasky¹

blasky@bridgesacrossborders.org

Introduction

Strengthening community legal education, and empowering individuals and communities, at the university and grassroots level, is one of the cornerstones of Bridges Across Borders² Community Legal Education Initiative in Southeast Asia. Our Community Legal Education Initiative³ is founded upon the strong belief that no society can function, much less protect the rights of its citizens, without a working rule of law system. Throughout the world, marginalized groups and individuals yearn for access to justice, yet they often find themselves without the power or ability to find it. At the same time there is a dearth of persons and institutions devoted to defending, guarding and fighting along-side them. The result is a pervasive unfairness and injustice that is inherent throughout societies of both the Global North and South, where a growing rift continues to divide those with means and those without.

Indicators of this inequity exist all around us. Working throughout SE Asia we see an alarming escalation of rural landlessness and urban homelessness. We see the toleration of domestic violence continue unabated. We see that institutionalized public and private discrimination against persons based upon their ethnicity, social origin, religion, culture, gender and other identifiable characteristics is still the norm throughout many societies. Even on basic issues of where to register a birth certificate or a marriage, or how to register lawfully acquired land, a lack

¹Bruce A. Lasky is a Founder and Director of the International Organization Bridges Across Borders (BAB) and is the Director for BAB's Community Legal Education Initiatives, which focuses on the development of university based clinical legal education programs as well as grassroots community based paralegal program support. He is responsible for the development and initial implementation of the Pannasastra University of Cambodia Clinical Legal Education Program where he was based as an Open Society Justice Initiative Resident Legal Fellow in Phnom Penh, Cambodia. At the beginning of 2007 Bruce relocated to Chiang Mai, Thailand where he is working as an Adjunct Professor of Law with Chiang Mai University to assist in the further development of their Clinical Legal Education program. As well, he has also been appointed an Adjunct Professor of Law at the Universiti Teknologi MARA in Malaysia to aid in the initiation of their Clinical Legal Education program and works as a consultant with similar initiatives in Vietnam and Laos. He is a graduate, of the Central European University Human Rights LLM program (Honors) and the University of Florida J.D. and BA Programs. He is a licensed member of the Florida Bar Association and a member of the Northern, Middle and Southern District of Florida Federal Bar Association. He was a criminal legal aid practitioner for the 8th Judicial Circuit Public Defenders Office, Gainesville/Starke/McClenney, Florida, from 1991-1999 where he was engaged in felony, misdemeanor, appeals and juvenile work, as well as supervising students from the University of Florida College of Law Clinical Legal Education Program.

² Bridges Across Borders (BAB) is an international, non-governmental organization that was founded in 2003 to build bridges between the world's peoples and to support initiatives that affirm our common humanity. BAB is based in the United States, Ireland, Thailand, Cambodia and Mexico and is also active in Panama and Colombia. BAB builds bridges by raising awareness about the pressing issues faced by the people in the countries in which we work, by facilitating people-to-people exchanges and volunteer programs, and by initiating and supporting projects that address the root causes of violence and hatred in the world. BAB believes that peace, sustainable development and human rights are interdependent and interrelated, and our work encompasses each of these facets. See www.babsea.org, www.bridgesacrossborders.org, www.sea-clinictalk.org

³ BAB uses the broad term Community Legal Education (CLE) when referring to its overall program, which includes working with grassroots communities as well as universities. BAB uses the term Clinical Legal Education when referring only to universities based programs.

of understanding and know how of the means and methods continues, resulting in clearly avoidable future harms.

Yet, at a time when champions of justice are more necessary than ever, legal associations are becoming increasingly removed from the community and the needs of ordinary people. While it is the legal profession that often has the power to help avoid or alleviate these harms, this profession often fails to do so.

In most countries, lawyers are granted a monopolistic license by their Bar Associations to practice law and represent those as they see fit. Yet, as these legal practitioners selectively choose their cases, usually based on profit margin, the needs of countless individuals and groups go unmet. The legal profession has continuously become a business of business, and while lawyers in most countries exist as members of an elite Bar Association community - barring others from entering their privileged association - they are seen as failing to rise to the challenges facing the disempowered communities of their societies. Even when willing, the lack of sheer numbers of attorneys, and the location of their offices typically in wealthy urban centers, leads to the failure to provide adequate and qualified legal services to the poor in both rural and urban sectors.

Thankfully, there are means and ways to address some of these problems and expand access to justice and protection of basic rights for poor and marginalized communities. Community Legal Education programs are one such means. Since our founding, BAB has been involved in two specific Community Legal Education activities. They are: 1) University Based Clinical Legal Education programs and 2) Community Legal Advisor Support programs. To effectuate these activities BAB has been working with numerous universities, organizations and governmental institutions. This paper will give a brief summary and description of what we do, how we do it and who we do our CLE work with throughout SE Asia.

Current Key Bridges Across Borders CLE SE Asia Partners

Since 2003, the BAB Community Legal Education Initiative has been engaged in successful outreach, exposure, program building and training activities with universities, government and non-government organizations and the legal fraternity in the SE Asia region, with a specific aim of working to implement CLE and community empowerment programs.

BAB is currently working in partnership with a number of university and non-governmental organizations in the SE Asia region to develop and implement CLE programs as well as share resources and ideas. Some of our key BAB partners include:

- 1) **Ateneo University Human Rights Center (AHRC)**, Manila, Philippines
- 2) **Chiang Mai University Faculty of Law (CMU)**, Chiang Mai, Thailand
- 3) **Community Legal Education Center (CLEC)**, Phnom Penh, Cambodia
- 4) **ERA Consumer (ERA)**, Kuala Lumpur, Malaysia
- 5) **Laos Bar Association (LBA)**, Vientiane, Laos
- 6) **National University of Laos Faculty of Law and Political Science (FLP)**, Vientiane, Laos
- 7) **Sustainable Cambodia (SC)**, Pursat, Cambodia
- 8) **Thai Treatment AIDS Action Group (TTAG)**, Bangkok, Thailand
- 9) **United World College-SE Asia (UWCSEA)**, Singapore
- 10) **Universiti Malaya Faculty of Law (UM)**, Kuala Lumpur, Malaysia
- 11) **Universiti Teknologi Mara Faculty of Law (UiTM)**, Shah Alam, Malaysia
- 12) **Vietnam National University Faculty of Law/LERES Center (VNU/LERES)**, Hanoi, Vietnam

13) **Youth for Peace (YFP)**, Phnom Penh, Cambodia

BAB Community Legal Education Initiatives

Since 2003 the BAB Clinical Legal Education Initiative has grown leaps and bounds, and the seeds that were sown since 2003 have taken root and begun to bear fruit. In addition to Cambodia, where BAB began its first Community Legal Education efforts, BAB is now directly working to provide both technical and institutional support to universities in Malaysia, Thailand, Vietnam and Laos, as well as legal and other non-government organizations in most of these countries. To further support this CLE development work, both the University of Teknologi Mara (UiTM), Shah Alam, Malaysia as well as Chiang Mai University (CMU), Thailand have appointed me, Bruce A. Lasky, as an Adjunct Professor of Law.

BAB University Partner CLE Programs

What kind of CLE programs do our partners have? Each of the BAB university CLE partner programs are unique. Each program possesses its own strength, weakness, opportunities and challenges. At the same time they are also similar in nature. Each university clinic includes, or intends to include, a clinic made up of two independent programs. At each university clinic one program currently, or will, focuses on providing In-House legal consultation services, mostly to socially vulnerable and marginalized communities.⁴ The second parallel program, currently operating at all of the university partner clinics, focuses on providing legal community teachings. Many of these teachings involve working in prisons and juvenile detention centers as well as drug rehabilitation centers.

Initially it has been decided by each of the university partners that the In-House Clinic programs will not specialize on just one particular area of legal practice. Areas of legal disciplines, currently being addressed, or foreseen to be, include, criminal law and procedure, juvenile justice, family law, consumer protection law, employment and labour law, minority rights, gender and the law, Shari'ah law (in Malaysia), HIV/AIDS legal related issues, land law, housing rights, civil law and procedure, discrimination issues, administrative law, human rights and environmental law.

CMU having the most developed In-House clinic of all the BAB university partners⁵ is planning on setting up a weekly advice/consultation outreach desk at the Chiang Mai Woman's prison beginning in November 2007. Currently the students in the CMU Community Legal Education section teach once a week in the women's prison and this planned outreach legal consultative service will be provided in conjunction with the legal teaching service.

During the initial stages of implementation for each of these university based CLE programs, special attention is being paid to curriculum development, new and progressive teaching methodologies which are centered around interactive work, case management, training workshops, administrative procedures and manual production as well general office set up.

⁴ The clinics can not directly participate in litigation work. With the exception of Cambodia and the Philippines, throughout SE Asia law professors are prohibited from directly practicing law. For this reason all the In-House Clinic focus on providing consultation and referral services. As a note, because of certain challenges the Faculty of Law and Political Science has a longer term plan of incorporating such In-House Clinic program. Currently they are specifically focusing on Community Teachings and will be for some time.

⁵ CMU began a type of legal service provider In-House Clinic program approximately 15 years ago.

While as expected some university CLE implementation process is not as rapid as others, all partner universities CLE programs are moving steadily forward. Exemplifying this point, UiTM, UM and CMU all have a bench mark date of July 2008 to have their CLE programs fully accredited as elective subjects.

BAB CLE International Legal Studies Exchange Program

Since 2003 BAB CLE has done more than just assisting universities to set up clinic programs. In furtherance of its vision of providing positive regional and worldwide linkages for CLE initiatives as well as general global connections, BAB just recently successfully hosted its 4th Annual International Legal Studies Internship Program. The program included the participation of twenty-four legal studies related students.

As a precursor to their internship work the legal studies students and BAB CLE team participated in an introductory four day curriculum development and training workshop in Phnom Penh, Cambodia. Following the workshop the legal studies students helped to develop interactive community legal training manuals and curriculum in conjunction with local legal organizations, Cambodian, Thai and Malaysian law students as well as the BAB Cambodia and BAB CLE team.

The law students also participated in many events during the internship program, including contributing to legal analysis of draft laws, distributing relief supplies to recently evicted communities, farming and teaching at BAB supported and independent community development sites. As well, interns directly participated in university based institutional CLE program building workshops at UiTM, UM and VNU.

BAB CLE is currently in the process of designing its 2008 International Legal Studies Internship Program for May-August 2008 and is exploring the idea of hosting an additional program from December 2007-February 2008 for those international students how have “summer breaks” during this period.

BAB Community Legal Advisor Support Program

In addition to just working with students, BAB works directly with communities through its Community Legal Advisor Support Program. As mentioned above, in addition to the development and implementation of university CLE programs, BAB has also been intensely involved in developing CLE programs which engage in the practical aid and support of community legal advisor or paralegal grass-root networks.

The term paralegal in this sense is different than the term used in many developed countries. In many of these developed countries, paralegals are highly skilled, trained persons working directly in a lawyer’s office as assistants, preparing case files, motions and often doing the bulk of the work for private counsel. However, in this instance we are not referring to these persons but more about persons who are grass-roots community legal advisors. They are non-lawyer persons who assist and advocate for socially vulnerable and marginalized individuals and groups in both the formal and non-formal justice systems, and in the process empower individuals and communities.

Community legal advisors or paralegals, who are by trade non-lawyers, often directly live within the communities they help. Their roles and positions range from full time to the occasional support for persons in need of legal advice, assistance or alternative dispute resolution/mediation services. As often as some paralegals work with persons in the court systems of some nation states, community legal advisors or paralegals in other nation states focus on avoiding, whenever

possible, having to enter into judicial systems, due to the expense, maze of rules and practice, as well as the overwhelming corruption existing within some court systems.⁶

Frequently set up in rural locations, community legal advisor/paralegal offices may serve “as both centers for dissemination of basic legal information and as the first port of call for individuals needing legal advice or assistance.”⁷

Often possessing even a rudimentary level of understanding of the law, and procedural systems, community legal advisors or paralegals provide one means to help address and help avoid and resolve some of the legal/conflict disputes suffered by marginalized communities members and groups. Yet it is due to this fact that community legal advisors or paralegals very often possess a simple knowledge of the law, and because they are not licensed to practice law, as well as the fact that they engage in teaching and dissemination of legal information to communities, they are in need of backup assistance.

One of the focuses of BAB is the backup assistance and support of these community based legal advisor/paralegal programs. Often BAB works to link its university based CLE programs with these community based CLE programs to provide back up assistance. Often students directly assist in the development of this curriculum via the writing of lesson plans, legal research, editing, translation, monitoring and evaluation as well as direct field testing of the materials. In many of the countries that BAB works in there is little to no access to justice for certain marginalized individuals and communities. The BAB university based clinic partners, working with these networks, has taken on the responsibility to help, while the students concurrently gain knowledge and skills. The value of societal exposure and knowledge received by the university programs, as well as students, is beyond measure. Legal theory gives way to true life, legal understanding, as the community legal advisors/paralegals provide a clear window into the plight of the masses. This realistic and no-nonsense educational experience is something that is impossible to draw from a text book in a classroom. Since 2005 BAB has had success in doing this in Cambodia and Malaysia and we are now focusing an expansion of our efforts in Thailand and Laos.⁸

BAB further adds support for these Community Legal Advisor/Paralegal Programs via training and through the production of training manuals and curriculum. Such work, which initially grew out of the Pannasastra University of Cambodia CLE program, has involved, and continues to involve, a connective relationship between university based CLE programs and outside organizational community empowerment programs. Currently, BAB is working in Cambodia with the Cambodian NGO, the Community Legal Education Center (CLEC) as well as the Laos Bar Association, and has provided both technical advice and training to the Malaysian NGO, ERA Consumer, in ERA’s development of a community based paralegal training manual. Building on the success of the ERA Consumer project, BAB has successfully facilitated a positive connection between both ERA Consumer and the UiTM newly formed CLE program, where the UiTM students are doing community legal teachings with ERA Consumer and are utilizing and applying the curriculum produced by ERA Consumer.

⁶ Cambodia is an example of a non-independent, often highly corrupt judicial system, where many persons see the formal legal system as a means of last resort, and a mechanism to be avoided at almost all costs.

⁷ See the Open Society Justice Initiative Report, *Combining Learning and Legal Aid: Clinical Legal Education in Africa*, First Africa Clinical, 28th June 2003, available at <http://www.justiceinitiative.org/publications/confreports>

⁸ BAB has been requested to assist in the development and training of the Laos Bar Association in their Public Legal Education Program. BAB intends to utilize as co-trainers CLE professors and students from the National University of Law Faculty of Law and Political Science at these trainings in December 2007.

Moreover, BAB is currently working with the Cambodian non-governmental organization, Community Legal Education Center (CLEC), and will continue to work with ERA Consumer to further refine and produce additional Community Legal Advisor training curriculum and manuals. These manuals, which currently exist in various draft stages, include the following topics:⁹

1. Children's Rights and the Law
2. Community Legal Advisor Skills
3. Consumer Law
4. Criminal Law and Procedure
5. Family Law
6. HIV/AIDS and the Law (Cambodia and Thailand)
7. Housing Rights
8. Introduction to Law
9. Labour/Employment Law
10. Land Law
11. Teaching Methodologies
12. The Khmer Rouge Tribunal

While these manuals, with the exception of the HIV/AIDS and the Law manual¹⁰, are being written utilizing Cambodian law, the teaching methods and exercises contained within the manuals, as well as the overall structure and pattern of the manuals are easily adaptable. BAB is already working with a number of its partners to begin this adaptation process in other countries.

Some other recent examples of BAB community legal advisor/paralegal support in 2007 have included:

1. CLEC/BAB Curriculum Development and Training Workshop – Phnom Penh, Cambodia: February 26th-28th, 2007

The BAB Cambodia CLE team conducted a Curriculum Development and Training Workshop with the aim to further enhance the capacity of our legal partner, the Community Legal Education Center (CLEC). This included a 3-day training to with lawyers and legal trainers from CLEC. Since then both BAB and CLEC, have begun working as partners in developing interactive curriculum and the implementation of the BAB Community Legal Advisor Manuals.

2. Khmer Rouge on Trial: A Course for Outreach Providers – Phnom Penh, Cambodia: May – August, 2007

The BAB Cambodia CLE team conducted a 3-month course on the Khmer Rouge Trial for the organization Youth For Peace (YFP). Using the Khmer Rouge Trial Manual developed within the Community Legal Advisor Support Project, Bridges Across Borders Cambodia staff conducted the course to further enhance the capacity and knowledge of YFP staff who are providing outreach activities to communities nationwide related to the Khmer Rouge Trial. The 3-month course culminated with a full day mock trial that involved YFP staff, local Cambodian law students, BAB international legal interns and BAB staff.

3. BAB Kep Land Law Training – Kep province, Cambodia: September 1st-2nd, 2007

In September, the BAB Cambodia CLE team traveled to the BAB community center in rural Kep, a Cambodian province with nine Cambodian law students from the Royal University of Phnom

⁹ Most of these manuals are in the process of being finalized with an expectation of completing the majority of them by the end of December 2007

¹⁰ Separate HIV/AIDS and the Law manuals have been written for both Thailand and Cambodia

Penh. The objective of the trip was to hold a 2-day land law community teaching with local adult villagers. The Cambodian volunteer law students had been working with BAB CLE Cambodia staff for four months prior to the Kep community teaching in order to better understand curriculum development and teaching at the community level in Cambodia, as well as actively researching laws for BAB staff.

Current Status of Legal Education in SE Asia

After having just listed what BAB CLE does in SE Asia it is important to address why BAB CLE feels it is so important to focus on the expansion of CLE in SE Asia? The answers to this are multi-faceted and begin with a look at the current status of legal education in the region.

Throughout SE Asia, with the exception of the Philippines, CLE is not an integral component of the educational process at any of the law faculties in the region. While proper social justice training of attorneys must begin at the university level, as stated above, there are few Faculty of Law legal clinic training programs in the SE Asia region. As a consequence, few law students are taught how to handle cases and involve themselves in the justice system, particularly in cases involving marginalized and socially vulnerable populations. Nor are the students exposed to an entire segment of the population which is often disempowered. On the contrary, law students are often trained in a traditional rote, memorization method, often having very little to no practical understanding of the courts and the method of proper legal justice. In addition, there is a lack of practical training in legal education, exposure to human rights cases, and tutelage in the ethical obligation to provide legal aid to poor is not emphasized.

As a result, most law students graduating from universities are not entering into the field of public service. They are not providing legal aid services. Moreover, neither are they engaged in institutional policy geared at alleviating the plight of, and empowering, marginalized communities. Rather, huge proportions of these graduates finish their legal studies training and enter into non-public interest, for profit only, law fields. At the same time, in countries within this region, including Thailand, Malaysia, Laos and Vietnam, there is an endemic problem of people being disempowered and in need of legal services.

As this paper has continuously asserted, CLE programs are one of the positive mechanisms with which to change this paradigm. This is what the BAB CLE program focuses on doing with its partners. However, currently certain challenges exist and must be overcome in order to successfully implement these socially minded CLE programs. Some of these include:

1. Current university curriculum is not adequate and is devoid of CLE participatory educational methods.
2. Practical legal knowledge and experience, as well as administrative and organizational methods, of some lecturers are limited. This leads to a limitation in guidance to the students.
3. There has been a traditional lack of frequent and sustainable mechanism for cooperation between the Law Faculty and legal agencies (such as the Courts, Procuracy, law firms, governmental and non-governmental orgs, etc.) to support the students' legal clinics.
4. Facilities and resources for the start-up implementation of CLE Programs are poor and lacking.
5. A lack of motivation or understanding on the part of legal studies students as to the need and obligation to engage in social justice legal related fields.
6. Obstruction on the part of both Governmental and Bar Association Agencies, in permitting universities to engage in social justice legal related work.

7. Traditional thinking members of the legal academy shying away for universities taking on social justice roles.
8. Professors and lecturers do not have the extra time to be involved in non-credited CLE programs

Bridges Across Borders CLE Initiative Goals

Mindful of the challenges listed above the BAB CLE Initiative has both a primary educational goal as well as a longer term, access to social justice goal. The educational goal works to modernize existing teaching practices. This action enables students to gain both practical knowledge through practical experience and exposes and instills within them a certain social justice responsibility. Another objective of the program is to acquaint students with new sources of information and to acquaint professors and lecturers with new experiences and forms of clinical legal education.

As well, an additional and important goal is to more readily empower marginalized and socially vulnerable communities to protect their rights through legal aid, legal education and community action.

BAB believes that these goals may be reached in part by:

1. Introducing new forms of educational practice into the existing legal clinics
2. Upgrading existing experiences and gaining new experiences for the teaching staff
3. Facilitating visiting lecturers
4. Study visits abroad, CLE exposure trips, and student internship exchanges
5. Enriching existing legal clinics reference literature and materials
6. Developing student and faculty interest and motivation
7. Paying special attention in strengthening the cooperation with educators, governmental and non-governmental agencies, attorneys and other persons that are already involved in social justice, and community empowerment projects and programs.
8. Focusing to have university CLE courses accredited

BAB has an additional objective which is to disseminate information on the accomplishments of its university partner CLE programs with an intention of building on the CLE movement in SE Asia and incorporating this type of educational program into the mainstream curriculum in universities throughout the region.

To date, although there has been a growing knowledge of understanding and appreciation as to the purpose of CLE, in part as a result of BAB outreach activities, the overall public knows very little about the purpose and accomplishments of CLE. BAB therefore believes that it is very necessary to engage in the spread of information on the program to other universities, governmental and non-governmental organizations including the legal fraternity and potential future donors and supporters.

Synergistic Affect of Simultaneously Working with a Variety of Partners:

Operating in so many SE Asian countries at the same time is another challenge BAB faces with its CLE initiative. However, while acknowledging the existence of this challenge BAB also sees it as a very logical and strategic step in simultaneously working with a variety of partners for a number of reasons.

Firstly, BAB's objective is to work with each of these partners, to develop pilot CLE programs in each country and use these core CLE programs to then broaden the reach of CLE throughout SE Asia. As many of these partner universities are located in a different, yet neighboring country, this will greatly assist in the outreach efforts. Each neighboring country has a different type of legal and educational system. Malaysia is based, for the most part, on a British common law influenced system. Thailand has a civil code system. Cambodia has a strong French civil code influenced system with a smattering of common law principles adopted during the United Nations 2001-2003 nation rebuilding period. Vietnam and Laos both follow the vestiges of a socialist system. Yet, with all these differences, each country is ready and able to begin and support CLE programs.

BAB believes that in conducting future CLE outreach activities with other prospective university partners BAB will be able to demonstrate the applicability and usefulness of the CLE ideology in a multitude of systems, as exemplified by these successful partner programs. These exemplifications will assist in overcoming possible challenges by CLE opponents who might argue that CLE is a type of western pedagogy method and is not appropriate in their type of educational and legal systems.

Secondly, each of the CLE programs are somewhat similar in nature and the partners learn from each other, from the beginning, as their CLE programs are being developed. As mentioned earlier in this paper, most of the university partners eventually intend that their programs use a similar two section clinic model, one focused on In-House legal consultation and referral services and the other section focused on providing community legal education. Due to this similarity in programs, there are many lessons that can be learned from each of the universities that will likely be strongly pertinent. In working closely with each partner, BAB is able to apply and share working models and systems, lessons, curriculum, etc from each of the programs and help to avoid and not re-apply challenges and obstacles that may arise in one or more programs. In addition, as most of the programs are starting at approximately the same level, initial local and national training workshops and exposure visits at one partner university would be applicable to staff and students at other partner universities. The fact that much of the technical assistance can be adapted and modified from each university partner program also greatly contributes in reducing the costs, in time, resources and financial outlay for BAB's technical assistance with each of the partners.

Thirdly, representatives from each of the partner universities have already begun working and learning together in formulating CLE programs. Many of these partners initially met at the Open Society Institute/Justice Initiative sponsored SE Asia CLE Conference in Phnom Penh, Cambodia 2005. Since then, many of these same representative pioneering clinicians from UiTM, CMU, VNU, UM and the FLP attended the Open Society Justice Initiative supported First SE Asia CLE Teacher Training Workshop in Manila, Philippines from January 30-February 3rd 2007.¹¹ The training focused on the development of CLE programs, including teaching and administrative training. As well, the training in Manila also centered on further developing network contacts that were initiated in November 2005, in Phnom Penh, Cambodia.

Continued linkages have occurred since Manila with two clinicians from the FLP (National University of Laos Faculty of Law and Political Science) participating in the CMU CLE Summer Orientation training workshop this past March, 2007. This co-training event was followed by one clinic professor from CMU participating as a co-trainer with BAB in assisting in the initiation of

¹¹ Bridges Across Borders Director Bruce A. Lasky was on the organizing committee for both events as well as participated as one of the primary presenters and trainers.

the FLP CLE program in May 2007.¹² Currently plans are being put in place for a variety of student exchanges between the partner universities.

The Bridges Across Borders Method of Teaching and Mobilizing Students and Communities

With all the activities that BAB are involved in throughout SE Asia we are often asked what is our method and how do we do what we do. “Practical and simple, make it practical and simple” is the mantra we repeat when teaching students and community members how to learn and utilize the law.

It is not just our CLE students and community members who we urge this straightforward yet seemingly difficult concept on. In March 2006 I had the good fortune to give a presentation at a conference at the University of Montreal at Quebec on the *Strengthening of Human Rights Protections Through Clinical Legal Education*. The focus of my topic was the *Mobilizing of Law Students in the Service of Human Rights: The Asian Perspective*. The University of Montreal at Quebec had, only a short time ago, launched an International Human Rights Clinic Program.

During the presentation I tried to address the issue of what we really meant by, and what type of, human rights we were aiming to mobilize the service of law students toward. My query was not meant to be an academic exercise. Throughout the presentation, while I did recognize that international human rights law, and the application of the instruments guaranteeing the protections afforded by international law, holds an importance, I also tried to give a more local practical view. “If you want to mobilize a law student in the service of human rights give him/her a shovel to help dig a well in an impoverished community which does not have water” was one of my answers.¹³ The right to water is a human right and a law student’s understanding of this community need, via directly participating in providing the water by the students sweat equity, is a valuable educational lesson the student is likely not to forget for years to come.

At the conference I then went to describe a class lecture on effective advocacy which I taught at the Pannasastra University of Cambodia Faculty of Law Clinical Legal Education (CLE) Program. The advocacy lesson addressed practical means to protect ones rights. As part of the lesson I asked one of our students what type of advocacy techniques he would utilize if he needed to get his Phnom Penh neighborhood street fixed. “*You contact the United Nations*” was the answer I was given by a twenty year student. Immediately I was struck with a response and scenario that I expected to be relatively straightforward but time and again has proven not to be.

While the question may seem relatively simple to a person living in an affluent country, a brief trip to Cambodia, or dare I say most countries throughout SE Asia, this question would present a much more intricately intriguing query. Plain to say, the streets are horrible in Cambodia, as well

¹² One CMU Law Clinic student also unofficially participated in the final day of the training. The student drove on his own and without university support, during his semester break, to participate and also led the Laos professor participants in Energizer activities (a teaching method used to keep workshop participants awake, alert and enthusiastic).

¹³ As a note, the BAB 2007 International Legal Studies Internship program fielded 24 law students between May-August. The internship was a 10 week program and 1 week of the internship required each student to engage in non-legal related community building activities, including farming, construction, painting rural schools, providing relief to displaced housing victims as well as a number of other manual labour related actions. When asked for evaluative reflection from the interns, the week of work and toil in outside of the legal duties was for many of them the most memorable and significant experience.

as many of the countries we work in and the means and repeated methods of repair can be a Sisyphus type experience.

Yet still, even with the advanced knowledge that the solution may not be as easy as one would think at first glance, I was a bit overwhelmed with the first answer provided by my student. It also reaffirmed my belief of the need for universities law faculties to not only provide theoretical teachings of law, but the need to educate students and the community on practical and accessible legal mechanisms which develop and protect people's rights and methods to "get things done".

So how does one get a street fixed in Cambodia? I am not sure if I have the complete practical answer for this yet. I am also not so sure if United Nations intervention is the best means to achieve this end.

I do find myself scratching my head and pondering the question. It was only last year that street near our BAB Cambodia office was ripped up and construction began to put in a new street, hopefully one devoid of potholes the size of moon craters. After one month the construction was finished and the road was complete, or almost complete, but not really. Since then the road has once again fallen into disrepair and will need to be fixed again. Unfortunately, no asphalt sealer was applied to cover the steamrolled compressed sand. Now that it needs to be fixed again I do not believe it will be the United Nations who will come to the rescue. Hopefully though, with the knowledge and advocacy skills that we are assisting in instilling within the students and the community, through the CLE education methods we promote, they will not need the United Nations and will find a simpler way.

It is the expansion of this type of practical education that we are engaged in, and it is within this environment that we at BAB work with universities and communities throughout Southeast Asia to develop substantive and procedural didactic curriculum and programs which teach law and human rights via the use of CLE methods. Through the use of CLE pedagogy, and its interactive teaching method we assist in focusing students on becoming more able, thorough and ethical attorneys and global citizens.

As referenced above our pedagogical work is conducted in an environment inundated with traditional education methods of instruction, where students take notes, information for examination is memorized and the students regurgitate the information provided to them by their instructors. Little to no critical analysis thought process is welcomed in this archaic educational arena nor in many universities are there any real endeavors to improve on this scheme of teaching and learning or teaching social justice themes.

To achieve these outcomes of social justice through practical education we have been ardently promoting and assisting in the implementation of university based community legal education clinic programs. Originally begun at Georgetown University, in Washington D.C., in 1972, throughout the years many universities around the world have implemented CLE community legal education programs (CLEP). This is also referred to by many schools as "Street Law"¹⁴ or "Practical Law" programs. These university based courses teach students about law, human rights and civics and then teach them how to teach, in a student-centred, participatory manner. The university students take both their substantive legal knowledge, as well as their acquired pedagogy skills, and transfer this knowledge and skills to marginalized communities. Through this process the students learn by doing, as they simultaneously teach and learn from the

¹⁴ Street Law is a registered trademark of Street Law Inc a non-profit organization based in the United States (www.streetlaw.org).

recipients of their lessons. It carries with it a strong reflective learning approach. We often find that the law students learn much more from their community students, simply by the individual and community problems and issues they are newly exposed to.

The CLEP programs utilize a wide variety of student-centred activities in their teaching methods. In part, these methods include role plays, simulations, mock trials, field trips, games, debates, small group discussions discussion, opinion polls, field trips and street theatre.¹⁵

CLEP programs focus on working with people, in a practical way, to understand how they can access both the formal and non-formal justice systems, as well as effective, empowering methods to advocate for social justice and change.

The communities in which the students go to are exceedingly varied and wide ranged. They have included, in part, prisons, juvenile detention centers, community centers, domestic violence shelters, life skills teaching organizations and lower socio-economic high schools. The communities are located in both urban and rural areas of countries. In many of the countries we work in the students often go to areas where there is little to no understanding of the law or of people's rights. At the same time, the students frequently involve themselves in non-law related projects to immerse themselves and gain a better understanding of the hardships of others.

The CLEP programs not only raise awareness of the law and rights of persons in a theoretical manner; the community teachings provide practical information on how to assert these rights and protections, as well as some of the effective mechanisms for doing so. Moreover, the programs encourage persons at grass-roots levels to reflect on their current and future legal, social and economic environments, and provide empowering ways to improve these arenas.

All of this is done with an aim of doing so in a practical and simple manner. As I constantly tell my community legal education students, "if you are teaching and people do not understand or remember what you are saying, you aren't teaching, you are just talking". I further tell them that, "we don't teach salt water fishing rights law to people who live in the mountains and have never seen the sea. We teach what they want and need to know and teach them how to use what we teach them". Our BAB method strives to teach and not just talk, and impart knowledge in a useful, practical, simple way.

CLE/Social Justice Teaching Challenges

As can be expected, many challenges exist when introducing new, and often unheard of, methods of education in trying to get across CLE/social justice ideology.

One of the more difficult hurdles faced is that of habit. In a sense it is like the old adage that you can lead a horse to water but you can not make the horse drink. In the development and teaching of interactive curriculum, regardless of the strenuous attempts utilized to have these techniques take hold, it is not uncommon for students and community legal advisors to simply revert back to a previously relied upon style, once you are no longer there.

In 2006 BAB provided one of our local Cambodian NGO partners with interactive legal training curriculum on legal ethics, which included both an Educator and Learner's manual. One of the exercises involved that of a role play, with the application of how to teach the exercise laid out in

¹⁵See David McQuoid-Mason, *South Africa Street Law Practical Law for South Africans*, 2nd Edition, Juta Law Co, Ltd. 2004.

detail in the Educator manual. However, rather than follow this pre-set plan, the trainer simply cut and pasted the entire exercise into a power point presentation and projected it on to a screen. Rather than have the group of six trainees conduct a role play, a perfect group size to use this type of activity, the trainer simply read the text off the screen and the trainees took notes. It was a typical lecture style of teaching, which fully ignored the pre-set methodology provided.

Another obstacle that exists is a continued misunderstanding of what is interactive learning methods and the need for them. To many persons these terms are just a buzz word with little to no meaning. Many traditional university professors will tell us that this type of interactive teaching is applicable for grassroots organizations but for the teaching of law students it has no place. It is only when we work with specific professors and lecturers, and have them begin to implement a more progressive style of learning, do we begin to change minds and approaches.

Reflecting on other incidents, we at BAB often discuss with local organizations their legal outreach programs. We often ask how these organizations monitor and evaluate whether the rural community member understand the teachings being provide to them. It is not unusual to be told by these organizations that they are not teaching, they are just disseminating information. When we follow up on what dissemination of information meant, we are often informed that materials with the legal information contained within were just handed out to the community. Pressing the point that dissemination of information must include teaching, we try to analogize the situation to that of providing persons in a village with information written in a distant, unknown foreign language, and the obvious futility in doing this.

Moreover, the consistently overused term, Human Rights, can be an impediment to practical CLE/social justice teaching. The use of the phrase “human rights” can be employed as a means to avoid deep insight and reflection. We find that students will commonly find the answer or solution to a presented problem based situation by stating, “this is a violation of human rights” without any deeper understanding of what that means. When this answer is presented, a follow up as to what is meant by “human rights” is mandatory. Sometimes when pressed as to what is meant in the practical, as to what is a human right, and what specific human right or rights was violated, the answers come up empty.

Throughout our CLE/social justice teachings, one of the greatest complications faced is that of culture. Students and learners throughout Southeast Asia, who are brought up in an environment where the best interest of the majority group time and again take precedence over that of the individual or marginalized communities, frequently find difficulty in conceptualizing the need to apply social justice principles for the protection of individuals and groups at risk. Sensitizing these learners to the needs of these individual and communities must be and is a focus of the teaching and trainings.

Cultural challenges apply in a different, but equally frustrating setting at times. Quite often we are told that the pedagogical methods we are introducing may be applicable in other venues but in ‘such and such’ country people know how to teach and learn and they do not need alternative suggestions. When faced with these contestations it is extremely important to walk the fine line between efficiency, effectiveness and cultural sensitivity.

Overcoming these challenges requires a very practical and demonstrative step by step approach. This is what we often remind the people and organizations we partner with. Simultaneously we try to make clear that even a slow step by step approach requires some small forward movement and not just moving one’s feet in place.

Conclusion

Yet, even with all these challenges there has been incredible advancement and success in the expansion of CLE in SE Asia. Throughout 2007 and beyond, BAB foresees a continued growth. To achieve this, BAB has committed itself to carry on its efforts to aid in the proliferation of CLE in SE Asia and internationally. We at BAB have a clear understanding and belief that these programs lead to the development of more socially minded, ethical attorneys, and social justice warriors. At the same time, we know that no matter how many lawyers CLE programs produce, with the dedication to “fight the fights” of those in need, there will never be enough lawyers to do this work, nor are they always well-suited to do so. BAB has therefore also devoted itself to working with organizations focusing on empowering communities by developing the skills and knowledge of community-based advocates and legal advisors.

As injustice continues to pervade nations at all levels, marginalized communities must find the power within themselves to stand up, shield themselves and move forward. In doing so, they need dedicated partners to stand alongside them. Through our Community Legal Education Initiative, BAB has fully and unswervingly pledged itself to be one of those partners.