

Boosting ACCESS to Justice for Needy People

**25 Years of Journey together with
Norwegian Bar Association**



Nepal Bar Association

Kathmandu, Nepal

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Kathmandu, Nepal**



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25 Years of Journey together with Norwegian Bar Association

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across Nepal



■ *Appellate Court Bar Units*

★ District Court Bar Units





President, Nepal Bar Association

FOREWORDS

Nepal Bar Association (NEBA), from its inception, has been playing its roles in consolidating democratic values in Nepali society through collective professionalism of its members. The consolidation process has been advanced through advocacy and defense of rule of law and independence of judiciary. As a result, NEBA is recognized as one of the key defenders of democracy, rule of law, independent judiciary and standard ethical professionalism in justice sector.

The credit and the goodwill of are not product of the actions of NEBA alone; there have been considerable collaborations and support received from congenial collaborators and partners. Among such collaborators and partners Norwegian Bar Association (NBA) comes as the first liners. NEBA recognizes the collaboration with NBA as its most significant partnership as it is the longest one. NBA started collaborating NEBA since 1988, i.e., 25 years before and continued to date.

The NBA-NEBA collaboration sustained with full satisfaction of both associations and produced considerable impacts in the remarkable development of free legal aid system, increased access of disadvantaged to justice, accessibility of justice, legal awareness and qualitative promotion of legal professionalism. Legal Aid Act 1997 and Regulations 1998 are landmark achievement of the joint effort. The push of the joint project also resulted in the provision of legal aid to indigent people as a part of the fundamental entitlements in Interim Constitution of Nepal 2007. These will remained as a records in the history of legal system.

Legal Aid Act 1997 has been implemented in 43 districts where District Legal Aid Committees are constituted and functional and there is great challenge to give full coverage in the 75 districts by setting up and operating the system. On the other hand there are other challenges as well to bring a qualitative reforms of the services. Endeavors of will be continued and new initiations will also be taken to advance the legal aid system, particularly in favour of women, children and disadvantaged sects of Nepalese society, by NEBA by collaborating multiple partners in future.

Credit of the success of NBA-NEBA collaboration goes to Mr. Alf Skogly and Late Mr. Laxman Prasad Aryal who were the inceptors of the collaboration. To that end, the initiation taken by Senior Advocate Mr. Kusum Shrestha and Advocate Mr. Subas Nembang (then Secretary of NEBA) was memorably commendable. They deserve full credit as well. To continue the collaboration, attempts and efforts were made by various people during this period, therefore, NEBA remembers and acknowledges the contributions made by Mr. Hans Stenberg-Nilsen, Mr. Jonas W. Myhre, Mr. Arve Opdahl, Mr. Helge Aarseth, Mr. Vidar Raugland, Mr. Knut-Johan Onarheim, representing Norway and Mr. Basudev P. Dhungana, Mr. Radheshyam Adhikari, Mr. Krishna Prasad Pant, Mr. Harihar Dahal, Mr. Sindhu Nath Pyakurel, Mr. Shambhu Thapa, Mr. Bishwa Kanta Mainali, Mr. Prem Bahadur Khadka representing Nepal.

The every effort of NBA and NEBA were materialized by the project directors and staffs in the course of the collaboration. Therefore, the contribution made by the Mr. Bhim Rawal, Mr. Abadesh Kumar Singh, Mr. Laxman Prasad Kharel, Mr. Ganesh Man Malla, Ms. Rajani Tiwari, Ms. Roshani Poudel, Mr. Rabindra Bhattarai and Ms. Bishnu Basyal as well as the project Staffs, who served the projects with full devotion and zeal.

The collaboration came across 25 years and we are observing the Silver Jubilee of the collaboration. I, at this point, would also like to thank my colleagues of present executive board of NEBA. I particularly thank again the Norwegian Bar Association and Norwegian friends who collaborated with us as a single association and members of it. Appreciating every efforts and support made by NBA, I express my and NEBA's heartily thankfulness to NBA and Norwegian friends.



Hari Krishna Karki
President



Advokatforeningen



PREFACE

As the collaboration between Norwegian Bar Association and Nepal Bar Association has sustained for 25 years, the Norwegian Bar Association would like to thank the Nepal bar Association for the significant contribution in enabling the Legal Aid / Access to Justice Project to play such an important role in making justice available to the indigent, disadvantaged and deprived people of Nepal.

We hope that the immense work that has been done by the projects and the representatives from the Nepal Bar Association during the last 25 years have had, and will still have, an impact on the Rule of Law, Democracy and fundamental Human Rights in Nepal.

The Norwegian Bar Association hopes that the Nepal Bar Association will grow even stronger and will continue to be the independent provider of Access to Justice in the Republic of Nepal.

**The International Legal Aid Committee
Norwegian Bar Association**

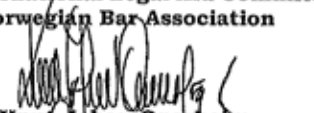

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Executive Summary

Nepal Bar Association (NEBA) has been working for advancing legal system of Nepal since last six decades. NEBA holds, defends and applies the notions of democracy, rule of law and equal protection of law as fundamental principles in public and within the institution. NEBA, as an umbrella of Nepalese lawyers, has a central board and 85 units in operation. Accessible justice for all and unconditional accessibility of justice, a central mission of the association, is pushed by NEBA since its establishment. To achieve the mission it is working in collaboration with Norwegian Bar Association since last twenty five years. This report is a mirror reflection of the journey of the cooperation between Norwegian Bar Association and Nepal Bar Association within the period of 27 November 1988 to 31 March 2013.

Legal aid is a tool for access to justice to those who cannot approach the court for seeking justice. Every country which are democratic in nature and have ensured an independent delivery system of justice has recognized free legal aid for those who are in need in terms of either approaching to the judicial authority for seeking remedy or defending the charges lodged against him or herself before a adjudicating authority.

Norway's cooperation with Nepal started since 1960s and formalized in 1973. The Norwegian Bar Association as a member of the International Bar Association (IBA) was keen in cooperation with national bar associations. The collaboration began on 1st January 1988 for the period of initial five years initially and renewed time and again up to 2010-2014 as a latest renewed collaboration. During this 25 years period, the collaboration aimed at institutionalization of legal aid system, promotion

of human rights, empowerment of the people in legal knowledge and increased access to justice .

Central part of all endeavour under the project remain as legal aid. The objective of legal aid was to provide free legal aid to the weaker, poorer and disadvantaged section of the society. Women remained as key target groups as women in Nepal during the project periods were facing problems associated with illegal abortion, infant killing, hinderance in property rights. A total of 17143 cases that were in the courts were provided with the legal defense and other services in the litigation. From this, 17335 needy people benefited among them 10017 were women. Legal aid services covered the ranges of the types of services. The first and foremost component was preparing legal documents for litigating as a party of the case or a document as to defend the case. It included the documents such as first information report, witness giving documents, petitions, appeals, pleading notes and others in criminal cases. In civil cases, preparing plaintiff or complaint, petitions, copying relevant documents, pleading notes, appeal document.

The another part of the journey of the collaboration was to strengthening legal aid mechanism. In the beginning of the collaboration legal aid was provided through project officials. Legal services to the needy people were being provided through project central office and branch offices in 33 districts and NEBA engaged in persuading the government to establish a legally institutionalization of free legal aid and asked the government to come with legislative framework. As the government did not take initiative and a bill was drafted by NEBA and furthered as private bill taking help of the legislature. As a result Legal Aid Act, 1997 was enacted and government came with Legal Aid Regulations, 1998 which has been presently implemented in partial basis yearly. NEBA recommended then government to implement the 1997 Act in project districts of the collaboration and government initiated implementing the Act to those districts and the project offices were transferred to the District Legal Aid Committee.

The collaboration then focused to make the state accountable in implementing this legislation. As the law provided for Central Legal Aid Committee in the centre and District Legal Aid Committee in the districts to provide legal aid, all 33 project offices including the infrastructures and resources were handed over to the District Legal Aid Committees. The NBA-NEBA cooperation, aimed at providing support to enhance the capacity of delivery of the service by Legal Aid District Committee through training, seminars and interactions of the legal aid service managers located at districts. The effectiveness of the implementation of the Legal Aid Act was hindered by the flaws remained in the provision of the Act itself. The collaboration also pushed for the amendment and revision and government also has taken initiatives to bring new provisions amending the existing provisions.

The collaboration of 25 years also furthered the recognition, respect, protection and fulfilment of fundamental human rights as crux of rule of law and independence of judiciary. Nepal experienced number of socio-political turmoil within the period of collaboration. In the course member of NEBA were subjected to violation of human rights or limitation of the liberty, the collaboration not only addressed such case but also contributed for general observation and monitoring of human rights violation cases and pressurizing for the justice in case of violations and abuses. Effective methods for this was observation visits to prisons and monitor the situation. There were 207 such missions organized during 1992 to 2008 alone. The visits identified illegal detentions, initiated judicial remedy to cause earliest release of illegally detained persons. For this, writ petitions including habeas corpus were initiated, pleaded and defended under legal aid schemes.

The most remarkable achievement of the collaboration is that it has been able to shift the notion of the access to justice in Nepalese legal landscape. Foremost, achievement is increased knowledge and understanding of lawyers in law, jurisprudence, international legal system, instruments and orders are essential for effective legal service to promote access to justice. The collaboration has been able to produce worth and impressive

publication of Nyayadoot. Above 150 issues of this bimonthly legal journal was published during these 25 years and more than 10,000 lawyers of Nepal have benefited from this in receiving new knowledge and updating their existing knowledge in the various subject matters of law. During the 25 years, more than 70 events of workshops and seminars were organized under the collaboration. From this more than 4000 lawyers got chances to consider various matters of legal system, application of laws and improving the quality of legal services that Nepalese lawyers render to their clients. The body of knowledge of Nepalese lawyers have been highly advanced.

Another key area of change is empowerment of women lawyers. Organizing national conferences of women lawyers has been able to consolidate the voices of women lawyers that has great influence to bring changes in the landscape of women rights in Nepal. Amendments on existing laws particularly on legalizing abortion, promoting equality of women in parental property rights, issues related to citizenship and proportional participation of public spheres are reflection of the empowerment of women lawyers.

The initiative under the collaboration such as legal literacy campaign; publication and distribution of IEC materials; legal education in adolescents; and paralegal service orientation to the community actors have contributed to increase the capacity of people demanding the accessibility of justice. Over five thousand events of legal literacy camps were organized during the 25 years and more than a million Nepal who were not literate in legal sense were made literate legally and they were empowered to exercise their rights in relevant government authorities.

The expansion of the area of legal awareness has contributed significant population of the country as the target population of the programme was also extended. To avail information on basic legal concerns to the literate people was focused on publishing and dissemination of informative educative and communicative reading material. New generations were also addressed through adolescent educational awareness campaigns.

These raised understanding among the people in the community to come forward for seeking legal remedies where they felt injustice in the community.

Empowerment of community people through building paralegal volunteers and Making legal service accessible to communities in their doorsteps is another key part that the collaboration attempted to bring changes about. Paralegal training made the social volunteers of the respected communities aware about the fundamentals of legal system and remedy available. In total 195 programmes of paralegal training were conducted during 1992 to 2012 and more than 7000 such human resource were prepared as social volunteers. Likewise mobile legal aid clinics were organized in later part of the intervention to facilitate the community to avail legal services in their own doorsteps.

A period of 25 years is a significant part of life for an individual as well for the life of institution. The period of this joint effort was expected more than what we achieved in legal aid, increased access and other part of the capacities to deliver service. At least this period would have to be able to ensure free legal aid to all needy people for civil, criminal and extraordinary cases under public cost but could not be realized so far. Institutionalization of the free legal service and increased access to justice is partially achieved and there is still to be done a lot .

Improvements in legal aid and institutional framework of legal service (aid), offering services, developing capacities of service providers by training and other skills and performance upgrading are still awaited. Therefore requirement of continuing collaboration and adding other partners in the common journey. Particular way forward of such collaboration is expected to establish a system by merging court-remunerated lawyers service and Legal Aid Act's system of service delivery by planned institutionalized mechanism with specification of service delivery and system of monitoring and supervision; holding government accountable for ensuring legal aid service as developmental public service and financial resources is budgeted and allocated under

its regular annual budget; to strategize transitional complementary free legal aid service by establishing system of cooperation and collaboration among legal aid providers, and continue community based programme such as paralegal training and mobile clinics and continue women empowerment initiatives.

1. Introduction

Nepal Bar Association has been working for advancing legal system of Nepal as sole professional umbrella organization of Nepali legal community since last six decades. As a professional organization of Nepalese lawyers, Nepal Bar Association subscribes and holds Democracy, Rule of Law and Equal Protection of Law as fundamental principles of public governance. It applies and defends these principles in public spheres and own institutional frameworks of the Association.

As a civil society organ of Nepali society, Nepal Bar Association represents interest of citizens of Nepal for independent legal practices in professional standards. There are 104 Senior Advocates and 13,142 Advocate licensed to practice law. Moreover, there are 9732 pleaders and 1013 legal agents under the umbrella of the Association. Almost of these lawyers are associated with Nepal Bar Association as member under 85 different units. Institutionally, the Association works for benefits of public at large encouraging democratic practices combined with the notion of rule of law, independence and impartial operation of judiciary, and protection and promotion of human rights and fundamental freedoms.

Accessible justice for all and unconditional accessibility of justice to the indigent, disadvantaged and deprived people has been a central mission of the association under its professional commitments since its establishment. Presently, the Association has been engaged in activities that are essential to provide opportunities for deprived people to seek access to justice, to ensure best practices of the law professionals, to custody the independence of judiciary,

and to support pro-public transformation of constitutional order in shifting of the political transitional contexts.

Twenty five years ago, there was neither consolidated concept of legal aid as a significant constituent of rule of law for the administration of justice, nor then Constitution had set up any standard as fundamental entitlement of legal representation who could not afford that on his/her own. Nepal Bar Association was keen to do something in assisting those needy people who were lacking professional representation and defence even they were the party of the cases brought to the court or those who were in the need of the assistance from a lawyer to approach a court for seeking legal remedy.

That was the day of 27 November 1987, Norwegian Bar Association and Nepal Bar Association committed them to begin a journey to bring changes in the legal service system of Nepal by introducing a legal aid scheme. The journey came across various turnings of the life of socio-political system of Nepal. The journey of this twinning programme of these two Bar Associations, one from the heart of South Asian Continent and another from the northern pole of Europe resulted many dimensions of the legal profession and legal aid service system of Nepal. The collaboration continued in this period with focus on institutionalization of legal aid, empowering women lawyers and improving accessibility of justice at present the collaboration is run as Access to Justice Project 2010-2014.

This report is a mirror reflection of the journey of the cooperation between Norwegian Bar Association and Nepal Bar Association within the period of 27 November 1988 to 31 March 2013.

2. Notion of Justice and Legal Aid

Notion of natural justice has its deep roots within every civilization of ages. The concepts of rule of law, independence of justice and fundamental human rights, civil and political in particular, are based on and founded in the notion of natural justice. Legal rights are only meaningful if they can be asserted and affordably accessible for those who are at stake. Free of cost legal service is essential for those who cannot voice their own interest, who cannot identify that they have also right to be heard and represented, who cannot know that human rights are inherent in them but rest of the world knows and believe that they have also equal an unalienable right to justice.

This background lead us to say that means of making justice accessible are fundamentally important to sustain a legal system under the notion of rule of law and human rights. Therefore, legal service in defence of either parties of a conflict, dispute or litigation is one of the important features of a legal system that helps those who are not able to have access to justice due to their economical, social and communicative conditions on equal footing to their contending party.

Legal aid was introduced after World War II as part of state funded services for those of modest means in many countries. In general, legal aid is granted where stringent financial eligibility criteria are satisfied. The legally aided claimant enjoys costs protection: the loser pays rule does not generally apply in many jurisdictions. It is said also that "legal aid does not ensure access to justice for deserving cases, as most people are not eligible. Instead, it provides access to lawyers for an eligible minority" (Anthony Barton 2010).

Legal representation and legal service for the person who could not afford it is a great challenge of justice delivery. And, today international framework of human rights and international standards of criminal justice put free of cost legal service to the needy as a significant constituent of fair trial standards.

Article 10 of the Universal Declaration of Human Rights 1948 states: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him" (AJAR 2009: 5). Similarly, article 14.3 of United Nations International Covenant on Civil and Political Rights 1966 guarantees further that: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:... (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it" (AJAR 2009: 14-15).

Legal aid is a tool for access to justice to those who cannot approach the court for seeking justice. Every country which are democratic in nature and have ensured an independent delivery system of justice has recognized free legal aid for those who are in need in terms of either approaching to the judicial authority for seeking remedy or defending the charges lodged against him or herself before a adjudicating authority.

3. Impelling Background of Collaboration

Though these international norms were already existed and recognized as fundamental standards for delivery of justice to ensure equality, equity and justice to those who could not have means to afford legal service from legal counsel of his/her choice, there was no arrangements to materialize these in Nepal.

Nepal was recognized as state that denies arbitrary exercise of judicial powers and subscribes notion of rule of law as concept of independent judiciary was established by enactment of the Head Judiciary Act (Pradhan Nyayalaya Ain 2009BS) 1952 on 08 May 1952. Supreme Court of Nepal was established in the year 1956. The Supreme Court Regulations 1956 specified four types of lawyers they could render legal service to the parties of the cases. Nepal Bar Association was then established by these lawyers as officers of the court of Nepalese judiciary. Nepal Bar Association was established as civil society entity on 21 December 1956 and began to work as active legal service organization since then.

After the formal set-up of judiciary (Bar and Bench), on 26 June 1958 Supreme Court of Nepal for the first time established a system of free legal service to the needy parties of the case as sponsored from the state. Then there was a system of providing free legal aid within the courtrooms where the needy party would request the court for free assistance.

The legal aid offered by the court within the courtroom was felt limited and could not be helpful who were beyond the courtrooms. Nepal Bar Association was keen to further the service of free legal aid to those who were in the community and requiring legal support to approach to the avenues of the justice to seek the remedies. However, the political system was not in favour. Party-less Panchayat Regime was taking Nepal Bar Association not as a professional organization of law. Then Constitution had provided no rooms for such free legal aid. Since the decade of 1960 the Nepalese legal system has been providing legal aid to the poor, marginalized and disenfranchised groups in the society; however, Nepal Bar Association had felt that was very limited and not enough to cope the real need of the community, preferably, for women and other disadvantaged sections of the society.

In this background, Nepal Bar Association was searching for collaborative agency that would co-operate it in devising and implementing such legal aid service to needy people as well as promoting the professional quality of the legal service. The institutional aim of Nepal Bar Association in this regard was to ensure legal aid as undeniable part of justice delivery. For that Nepal Bar Association took lead to bring the legal aid in more institutionalized framework.

4. The collaboration We Did

4.1 Start-up intervention: project inception

Norway's cooperation with Nepal started as a people to people relationship, with active participation of non-governmental agencies. In the 1960s Norway supported volunteer work from



different organisations in Nepal. Diplomatic connections between Nepal and Norway were established 26 January 1973 (RNE 2012).

International cooperation from Norway to civil society institutions are in general promoted by Norwegian Agency for Development Cooperation and its department for civil society. Cooperation in the field of law is trusted to the Norwegian Bar Association. Norway, firmly believing need of broadly-based and dynamic civil society, for development of a democratic society began to support Nepal. Norwegian Bar Association sought the need of its collaboration to Nepal to support serving the interests of Nepalese who were in the need of support for accessing justice.

Civil society gives people the right and opportunity to influence societal development, improve their own circumstances and provide support for the poor and underprivileged so that their voices are heard and their interests are brought into focus. NBA sought NEBA as appropriate agency to begin with the collaboration.

Norwegian Bar Association, established 1908, is a professional organization of Norwegian lawyers and representative for the bar in Norway. The purposes of the Norwegian Bar Association are to: promote justice and the rule of law; to secure an independent legal profession with high standards of professional conduct; to promote a high level of professional ethics in particular (Clause 1 of the Byelaw of the Association; as cited in SISL, 2012).

The Norwegian Bar Association as a member of the International Bar Association (IBA) was keen in cooperation with national bar associations. In the year 1987 a team of NBA headed by Mr. Alf Skogly visited Nepal and discussed with NEBA then leadership. With the concurrence of mutual institutional interest, they enter into an agreement for mutual cooperation. The Agreement was signed by Mr. Alf (NBA) and Mr. Laxman Prasad Aryal (NEBA) on 27 September 1987. The agreement covered following major area:

- Legal Aid Scheme
- Regular Publication of Nepal Bar Journal (Nyayadoot)
- Special measures to secure legal aid for women; and
- Fellowships, seminars and study facilitation.

The project began on 1st January 1988 for the period of initial five

years initially. However, it was not desired to be terminated within five years. The condition was set that the project would have been terminated by 31st December 1993, provided that both parties decide not to continue further.

4.2 Legal aid: toward institutionalization

The legal aid project as twining programme of NBA and NEBA remain as key scope of the work of NEBA intervention in Nepalese legal system during 1988 to 1992, 1993 to 1997, 1998 to 2004, 2005 to 2009 and 2010 to 2014. Central part of all endeavour under the project remain as legal aid. The objective of legal aid was to provide free legal aid to the weaker, poorer and disadvantaged section of the society. Women remained as key target groups as



women in Nepal during the project periods were facing problems associated with illegal abortion, infant killing, hinderance in property rights.

Legal aid in litigation cases

Legal aid to the needy people with special focus on women beneficiary, continued for whole period of these 25 years. Even though the focus was women beneficiaries, service was rendered to the wide ranges of the needy people of both sex. Legal aid was rendered for the needy people in various frame. In initial 10 years, the legal aid for litigations were provided by project basis. For the service delivery, the project field offices were gradually increased in districts. Needy people who were approaching to NEBA units asking legal aid were referred to Legal Aid Project and central and branch offices of the project would render service as per the need of the concerned clients. Later. the Government of Nepal brought a legislation on legal aid and intended to take ownership of the service. The project handed over the service delivery and branch offices of the project to the District Legal Aid Committees. A total of 17335 needy people have benefited with the legal services in their respective litigation cases. Table 1 summerizes the numerical status of the legal aid in litigation of the cases:

Year	Table 1: Legal Aid in Litigation Cases						
	Cases				Benificiaries		
	Civil	Criminal	Writ	Total	Male	Female	Total
1988	-	-	-	27	-	-	27
1989	-	-	-	54	-	-	54
1990	154	85	0	239	143	99	242
1991	350	181	0	531	134	206	340

1992	349	260	0	609	262	229	491
1993	227	227	0	454	333	310	643
1994	626	282	0	908	568	410	984
1995	494	250	0	744	415	407	822
1996	549	343	0	892	512	445	957
1997	550	373	0	923	517	468	985
1998	237	191	0	428	234	222	456
1999	366	292	0	658	245	413	658
2000	414	441	0	855	237	618	855
2001	275	246	17	538	176	362	538
2002	246	257	31	534	316	218	534
2003	528	464	240	1232	558	674	1232
2004	453	483	103	1039	423	616	1039
2005	460	443	430	1333	648	685	1333
2006	333	289	1064	1686	1084	602	1686
2007	610	540	43	1193	181	1012	1193
2008	522	263	14	799	121	678	799
2009	531	521	26	1078	91	987	1078
2010	29	28	7	64	14	50	64
2011	75	59	7	141	8	133	141
2012	109	72	3	184	11	173	184
Total	8487	6590	1985	17143	7231	10017	17335
Source: Gurung 1998, Ranjit 2006 and A2J Project 2010-12							

Areas Covered by the Legal Aid Services

Legal aid services offered under the collaboration of NBA and NEBA during the period of 25 years covered the ranges of the types of services. The first and foremost component was preparing legal documents for litigating as a party of the case or a document as to defend the case. It included the documents such as first information report, witness giving documents, petitions, appeals, pleading notes and others in criminal cases. In civil cases, preparing plaintiff or complaint, petitions, copying relevant documents, pleading notes, appeal document.

Foremost service rendered to the needy people was legal counselling that providing appropriate briefing of the interrelation of existing legal provisions and facts of the problems of the concerned clients. During 1988 to 1998, the project had counselled 3815 vulnerable people. There were 2827 male and 1544 female (Gurung 1998: 39) receiving counselling during that period and it indicated the composition of the male and female beneficiary remain in proportion of 65 and 35 respectively in average percentage.

4.3 Journey of strengthening legal aid mechanism

Supreme Court had introduced legal aid in Nepal in 1958. However, the legal aid was only confined to the Supreme Court alone as the lawyers appointed for the legal aid were available only in the Supreme Court. From 1970s the free legal aid was extended to the Regional and Zonal Courts with the appointment of the legal aid lawyers in these courts. In the 1980s the lawyers started being appointed in the District Courts as well in the priority basis. Free legal aid service was extended to the District Courts in three phases. Legal Aid lawyers were appointed in 25 District Courts in each phase. However, these were neither effective enough nor sufficient enough to cope with the need of the day and service-seekers.

As a part and parcel of adjudicatory system of country, Nepal Bar Association, since its birth, is working to promote access to justice and offer legal services to indigent people free of cost. In 1988 Nepal Bar Association began collaboration with Norwegian Bar

Association to avail free legal aid to needy. The Norwegian Bar started to support Nepal Bar Association for the legal aid from 1988. This helped to institutionalize the concept of the legal aid in Nepal. In the beginning legal aid was provided in this project through officials appointed. But legal aid provided by the appointed official was felt not sufficient enough and lawyers from the concerned units of NEBA were asked to be engaged in offering free legal aid under project scheme.

While the legal aid project was in implementation by managing legal services to the needy clients of the vulnerable section of Nepalese society through project central office and branch offices in 33 districts, NEBA was engaged in persuading the government and legislature to bring a legislation to govern legal aid to the needy people. NEBA had played a significant role in political movement





of the year 1990 which was a greatest popular movement for multiparty democracy and that led the country to reinstating parliamentary system with constitutional monarchy. In 1990, Nepal adopted new Constitution “The Constitution of Kingdom of Nepal 1990”.

The Constitution of Kindom of Nepal 1990 became the first Constitution to guarrantee fundamental rights of the citizens and an Article was explicity managed for guaranting rights related to criminal justice. Constitution could not include free legal aid to the poor, indigent and needy people as fundamental entitlements. However, the Constitution recognized need of state-sponsored free legal aid to needy people. The Constitution obliged the State to provide free legal aid to the needy and impoverished people by managing a provision for same in the State’s Policy. Article 26 (14)

stated “the State shall, in order to secure justice for all, pursue a policy of providing free legal aid to indigent persons for their legal representation” (Keeling and Bhattarai 2001 : 24).

Having this constitutional instructions and even pressurized by the professionals and Nepal Bar Association itself, then government did not pay attention to fulfil the state obligation to ensure fair and sufficient legal representation through state-sponsored legal aid. Then in 1990 to 1996, Nepal Bar Association asked the government to come with legislative framework.

The government did not take initiative and a bill was drafted by Nepal Bar Association and furthered as private bill taking help of the legislature. Even pressurized by the professionals and Nepal Bar Association itself, then government did not pay attention to fulfil the state obligation to ensure fair and sufficient legal



representation through state-sponsored legal aid. Then in 1990 to 1996, Nepal Bar Association asked the government to come with legislative framework. The government did not take initiative and a bill was drafted by Nepal Bar Association and furthered as private bill taking help of the legislature. As a result Legal Aid Act, 1997 was enacted and government came with Legal Aid Regulation, 1998 which has been presently implemented in partial basis yearly.

Thus, the Legal Aid Act, 1997 is one of the products of the initiations of NEBA undertaken with the Norwegian Project. It helps to develop software for implementation of the 1997 Act, including development of human resources through imparting training to lawyers and legal literacy for raising awareness of the local communities. It also provided free legal aid and developing basic infrastructure in a District. NEBA recommended then government to implement the 1997 Act in such Districts and government implemented the Act to those Districts as recommended by the NEBA. The legal aid schemes previously run by Nepal Bar Association under Norwegian support was transferred to the District Legal Aid Committee system and cases and resources were handed over to strengthen the Committees in this way. As a result Legal Aid Act, 1997 was enacted and government came with Legal Aid Regulation, 1998 which has been presently implemented in partial basis yearly.

The collaboration then focused to make the state accountable in implementing this legislation. As the law provided for Central Legal Aid Committee in the centre and District Legal Aid Committee in Districts to provide legal aid, all 33 project offices including the

infrastructures and resources were handed over to the District Legal Aid Committees. The government enacted the Legal Aid Act in promotional basis yearly, in first year, i.e., in 1998, it was enforced in Banke, Bara, Palpa, Dolakha and Sunsari districts. However, within few years the Act was made effective throughout the Country.

After the legal aid project branch offices handed over to the government, the government did not managed the legal aid service effectively as desired. The major weakness of the government in this regard was provision of financial arrangement in adhoc basis and insufficient allocations of the resources required for operation of the office of the District Legal Aid Committee and managing legal aid service for needy people. The NBA-NEBA cooperation, aimed at providing support to enhance the capacity of delivery of the service by Legal Aid District Committee through training, seminars and interactions of the legal aid service managers located at districts.

The effectiveness of the implementation of the Legal Aid Act was hindered by the flaws remained in the provision of the Act itself. For example, the law requires a recommendation from the local authority, i.e., Village Deveopment Committee or Municipal Corporation, to pre-qualify the beneficiary's access and admisibility to the service, only those who have annual income of less then 40,000.00 rupees are eligible for getting legal aid and if someone who received the service gains property or financial benefit from the result of the case, the costs incurred in legal aid be recovered

from such property. These provisions not only hinder the needy ones but also discourage the needy people in approaching the service.

Interaction with the government and other relevant stakeholders continued in later years to amend the existing provisions of Legal Aid Act 1997. For example, in 2011 a review was done by the team of Experts and the findings of the team suggested amendments in the existing provision. The findings and recommendations were discussed with the government representatives in a seminar. Following the seminar the government also has taken initiatives to bring new provisions amending the existing provisions.

4.4 Right-based attempts: human rights agenda

Recognition, respect, protection and fulfilment of fundamental human rights is crux of rule of law, independence of judiciary. For this reason NEBA has been engaged in various campaigns to



secure democracy. NBA-NEBA collaboration has been effective assistance for the monitoring role of NEBA regarding human rights. The intervention of NEBA in this regard remained in two types : 1) where member of NEBA were subjected to violation of human rights or limitation of the liberty and 2) General observation and monitoring of human rights violation cases and pressurizing for the justice in case of violations and abuses.

Table 2: Prison Visit for Human Rights Observation

Year	Prison Visits	Year	Prison Visits
1992	2	2003	7
1993	8	2004	9
1994	-	2005	28
1995	-	2006	-
1996	5	2007	45
1997	7	2008	54
1998	-	2009	26
1999	1	2010	-
2000	7	2011	-
2001	3	2012	-
2002	5	Total	207

Source: Gurung 1998, Ranjit 2006 and A2J Project 2012

Under the NBA-NEBA collaboration, the most important intervention for protection and promotion of human rights was prison visit for observation and monitoring of the human rights situation of the prisoners in general. Prison visits were organized during 1992 to 2008. The visits identified illegal detentions, initiated judicial remedy to cause earliest release of illegally detained persons. For this, writ petitions including habeas corpus were initiated, pleaded and defended under legal aid schemes.

4.5 Shifting to notion of access to justice

In the time of the commencement of the project notion of rule of law, democracy, independence of judiciary and even the notion of human rights were trapped within the party-less Panchayat regime. NEBA, however was intending to voice in favour of democracy and human rights and the only way for NEBA was to campaign for that through professionalism and quality legal aid.

The initiator of the international support for NEBA, Senior Advocate Mr. Kusum Shrestha recalls his memory that “in that time, lawyers could not play roles directly in politics. There was need to make law profession independent from the government and the political dominance and NEBA had duty to make lawyers committed to rule of law and democracy” (written interview note by Senior Advocate Mr. Kusum Shrestha in October 2012). The initiator in his visit to a Conference of International Bar Association had shared the need of international support to NEBA and the meeting of NBA and NEBA was possible.

Prior to the inception of the project, NEBA had initiated a campaign by activating its members and units to ensure justice for needy as professional activism. “Members were instructed to provide free legal aid who could not afford the service of a lawyer. Units were asked to organize at least twice a year legal literacy camps in communities to bring legal awareness” (Mr. Subas Nembang, then secretary of NEBA, in written interview to NEBA in October 2012).

Thus, the wave of making accessible justice was desired by Nepalese lawyers’ community and NEBA was pioneering for the same. In such situation NBA came to join the hand to NEBA.

Therefore, the collaboration has brought a shifting of the notion of access to justice in Nepal by arranging various types of actions. The major actions may be summed up as:

Increased knowledge and understanding of lawyers

Knowledge of law, jurisprudence, international legal system, instruments and orders are essential for effective legal service to promote access to justice. In this regard, the collaboration between NBA and NEBA has been able to produce worth and impressive publication of Nyayadoot. Above 150 issues of this bimonthly legal journal was published during these 25 years and more than 10,000 lawyers of Nepal have benefited from this in receiving new knowledge and updating their existing knowledge in the various subject matters of law. This has helped Nepali lawyers to promote their specialized scope of legal service.

During the 25 years, more than 70 events of workshops and seminars were organized under the collaboration. From this more than 4000 lawyers got chances to consider various matters of



legal system, application of laws and improving the quality of legal services that Nepalese lawyers render to their clients. The body of knowledge of Nepalese lawyers have been advanced. More importantly, the very high exposure of international law particularly human rights and humanitarian laws of Nepali lawyers through the project actions have changed landscape of the legal knowledge of Nepal and the application of the international law into domestic court system has been considerably increased which cannot be measured by setting specific indicators.

Empowerment of women lawyers

Empowerment of women lawyers in Nepal is one of the key achievement of the NBA-NEBA initiatives. In the period of these 25 years 21 national conferences of women lawyers were organized. The organized voice of women lawyers has great influence to bring changes in the landscape of women rights in Nepal. Amendments on existing laws those were discriminatory to women based on gender were recognized and casued due to comprehensive assessments and pressures created through such seminars and conferences. The collaboration has contributed bringing legal changes, particularly on legalizing abortion, promoting equality of women in parental property rights, issues related to citizenship and proportional participation of public spheres.



Increased public awareness in accessing justice

Justice may be accessed or legal remedy may be searched by the people if they are aware of their rights and entitlements. One of the crucial role of legal community in a country is to bring awareness among the rights holders in exercising their entitlements in proper way. NEBA was very clear on the role of it in this sector and the collaboration has been employed to achieve the goal of making aware people legally.

This goal was achieved through four major actions: legal literacy campaign; publication and distribution of IEC materials; legal



education in adolescents; and paralegal service orientation to the community actors. Over five thousand events of legal literacy camps were organized during the 25 years and more than a



million Nepal who were not literate in legal sense were made literate legally and they were empowered to exercise their rights in relevant government authorities.

Table 3: Strengthened Access to Justice

Year	Legal Literacy (Nubmer of events)	Dissemination of IEC Booklets (copies)	Paralegal Training (Nubmer of events)	Legal Education (Nubmer of events)
1992	334	10,000	3	45
1993	269	22,500	8	13
1994	199	21,000	10	147
1995	248	34,500	7	40
1996	214	40,000	7	83
1997	184	-	5	17
1998	308	20,000	6	51
1999	421	7,500	17	92
2000	407	18,443	8	109
2001	267	-	6	56
2002	389	-	13	110
2003	344	-	8	136
2004	182	15,000	3	40
2005	238	-	8	88
2006	263	-	8	92
2007	188	-	8	100
2008	279	-	11	72
2009	128	-	1	57
2010	356	-	24	16
2011	-	-	26	-
2012	-	-	8	-
Total	5218	188,943	195	1364
Source: Gurung 1998, Ranjit 2006 and A2J Project 2012				

Since 1992, the approach of expanding basic knowledge and understanding of law and its application was initiated in comprehensive form whereas till that time making people aware in legal field was limited to legal literacy programme. The expansion of the area of legal awareness has contributed

significant population of the country as the target population of the programme was also extended. To avail information on basic legal concerns to the literate people was focused on publishing and dissemination of informative educative and communicative reading material. New generations were also addressed through adolescent educational awareness campaigns. In years 2011 and 2012, 35 programmes on reproductive rights of women were conducted to bring awareness and enable youth population to make appropriate understanding on reproductive rights of women and basic knowledge of human rights which has increased level of knowledge of 2000 youths active in futhering their educational life. Awareness through practical problem solving approach was introduced and implemented through paralegal training and ligal literacy outreach programmes.



These raised understanding among the people in the community to come forward for seeking legal remedies where they felt injustice in the community. Paralegal service training has contributed many other organizations working in the community particularly which

are facilitating conflict and dispute resolution. Legal education has particularly, instilled idea of law and legal system among the young population that are engaged in formal education at high schools and higher secondary levels.

Making legal service accessible to communities in their doorsteps

Legal services are available in the district headquarters and urban sector and normally the communities rural and remote locations are deprived of justice as well as accessibility of justice. To address the needs felt by the deprived communities normally located in the remote areas of district, two programmes were devised: paralegal training for members of deprived communities (with special focus on Dalits and other marginalized) and mobile legal aid clinics.

Paralegal training made the social volunteers of the respected communities aware about the fundamentals of legal system and remedy available. Paralegals through training were prepared to serve needy people in the communities to write basic administrative and practical documents that may have legal consequences. They





were also trained to refer the needy people to available free legal aid services in the headquarters for further support. In total 195 programmes of paralegal training were conducted during 1992 to 2012 and more than 7000 such human resource were prepared as social volunteers.

Similarly, mobile legal aid clinics were organized in later part of the intervention to facilitate the community to avail legal services in their own doorsteps. Through this programme, people were able to received basic legal information from the facilitators. Similarly the clinic had provided legal advices on problems that the participants were facing in their day to day life. The beneficiary people who attended the programme were provided legal advice



and counselling service for their concerned criminal or legal cases and they were advised to take assistance from legal aid service further as needed. The clinical lawyers referred cases to the District Legal Aid Committee and Court appointed lawyers.

Table 4: Legal Service to Communities through Mobile Clinic

Year	Service Receivers of the Legal Aid Clinic		
	Male	Female	Total
2011	1222	1269	2491
2012	1058	1203	2261
Total	2280	2472	4752

4.6 Infrastructural Advancement of NEBA

The NBA-NEBA collaboration has been one of the cornerstone for infractructual physical development of NBA. Though the focous of the project remained legal aid and access to justice, the collaboration has frequently supported for the infractructual advantage of NEBA. In 1993 NBA agreed to allocate some of the amont of the support for construction of library at the central office of NEBA and a floor of NEBA headquarters building was added by commulitive resource from the project, contribution from the lawyers and government donation. For the institutional work a motor vehicle is bought and is in use of NEBA institutional activities.

During this 25 years there have been 41 office buildings constructed by the Units of NEBA and 6 are in under construction. Though they are constructed by the units generating local resources as well as support from NEBA headquarters, considerable amouts of the contribution made by local lawyers have been made contributing the resorces under the project allocated for the remunerations within the project activities voluntarily (Dahal and Nembang 2006 : 7-8). Thus, the 25 years long partnership has been able to strengthened the capacity of NEBA in terms of physical infrastructures.

5. What we expected: what we achieved

A period of 25 years is a significant part of life for an individual as well for the life of institution. Viewing from institutional aspects of both NBA and NEBA, the period of this joint effort was expected more than what we achieved in legal aid. At least this period would have to be able to ensure free legal aid to all needy people for civil, criminal and extraordinary cases under public cost. It was expected the government-sponsored free legal services would be in place. However, there are still serious hindrances in legal aid services. Therefore, the desire of institutionalization of free legal aid service under the full ownership of the government has been only partially achieved with:

- Legal Aid Act and regulations, as foundation for further initiatives is in place and there is room for further improvements in the system as government has shown sense of owning it;
- Considerable ideas have been surfaced to improve the legal system and for making legal system necessary ideas are brainstormed and options are made available to the government for future strategy; and
- Legal Aid Committees are in existence, even facing with financial and operational problems.

Empowerment of lawyers through knowledge building and sensitization on reduction of gender-based discrimination has been achieved in considerable levels. More importantly, empowerment of women lawyers and institutionalization of women lawyers wing in 29 units of NEBA, contribution for social change through raising

issues of changes in the legal system particularly, on promoting rights of women and their participation in public domain are major achievements as expected.

However, it is felt that there would be more than what achieved, if the initiatives were concentrated to these issues in priority but external factors such as political instability, security threats and sustained internal armed conflicts drew more attention of NEBA's priority and that have caused many compromises in the targets and achievements in NBA-NEBA collaboration.

Bringing awareness among Nepalese to come forward to enjoy legal system with application of legal services were desired to empower the consumers of free legal aid services. The level of understanding and empowerment of the community people through project's intervention is increased and promoted in considerable scales; however, the failure of establishing free legal aid services under the government's ownership has created despair among the potential service beneficiaries of free legal aid.

6. Way forward

For making justice accessible for needy people the collaboration had been able to visualize role of NEBA in improving legal and institutional framework of legal service (aid), offering services, developing capacities of service providers by training and other skills and performance upgrading interventions as well as by creating awareness among people requiring services and developing a bridge system through developing paralegals in the community.

Due to partial achievement of institutionalization of free legal aid service, there is requirement of continuing the support of legal aid and that is expected to be continuing in three ways: (1) Supporting the government in implementation of the Legal Aid Act, (2) Continuing actions of persuading, advocating and pressurizing for legal, institutional and operational improvement of free legal aid system and (3) continue legal aid schemes under NEBA units as complementarity of other free legal aid services. For this following actions are essential:

- Prepare a legislative framework by merging Court-remunerated lawyers service and Legal Aid Act's system of service delivery by planned institutionalized mechanism with specification of service delivery and system of monitoring and supervision;
- Make accountable the government to consider legal aid service as developmental public service and financial resources is budgeted and allocated under its regular annual budget;
- Strategize transitional complementary free legal aid service by establishing system of cooperation and collaboration among

legal aid providers and for this NEBA shall play roles as coordinating agency;

- Continue, community based programme such as paralegal training and mobile legal aid clinic/camps;
- Continue publication of Nyayadoot and manage it by subscriptions from the members of NEBA;
- Continue events on women lawyers capacity building initiatives; and
- Initiate programmes for promotion of legal knowledge by including information in educational curricula and paralegal training and awareness activities of legal knowledge.

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- Interviews:
- Interview with Senior Advocate Mr. Kusum Shrestha, initiator of foreigner cooperation for NEBA
- Interview with Advocate (Senior) Mr. Subas Nembang, then Secretary of NEBA
- Interview with Advocate Mr. Bhim Rawal, First Project Director of Collaboration

Annex I

**From Legal Aid Project 1988 to
Access to Justice Project 2010-14
25 years of Collaboration between
Norwegian Bar Association and
Nepal Bar Association**

***Interview with Senior Advocate
Kushum Shrestha, the initiator for
international cooperation for Nepal
Bar Association***

A2J Project : *The collaboration between Norwegian Bar Association and Nepal Bar Association to improve free legal aid and access to justice in Nepal has completed a period of 25 years and both are celebrating silver jubilee of the collaboration; Senior Advocate Mr. Shrestha, would you give us the background, causes and impetuous factors of beginning the collaboration as you were the initiator for international support to Nepal Bar Association?*

Mr. Shrestha: Nepal Bar Association is an institution that has played a glorious role from its establishment. It has been contributing a lot to make law profession an independent and skilled, to establish and promote democracy and rule of law and protecting civil and political entitlements of the citizens, and to ensure that providing free legal aid to the indigent people. The situation



Kushum Shrestha

interview

when the collaboration was sought to be initiated, lawyers were not allowed as of today to take part in the politics. Therefore, NEBA had a duty to keep law profession out of the influence of the government and political forces and committed to rule of law and democracy.

NEBA was trying to institutionalize law profession though the history of law profession in Nepal was not very long. Responsibility of representative organization of lawyers were recognized but it had not capacity to deliver free legal aid institutionally, and it was bound to ask individual lawyers to provide legal assistance to needy without taking fee due to lack of financial resource to NEBA. Then actors of NEBA were seriously thoughtful to the needs of poor, vulnerable and weaker class of the society in accessing justice.

NEBA was led then by Senior Advocate Mr. Shambhu Prasad Gyawali and membership of International Bar Association (IBA) was accessed and acquired. I was appointed as a councilor to IBA from NEBA. Within one year of granting membership to NEBA, IBA organized an International Conference on Role of Developed Bar and Developing Bar to Promote Rule of Law. As a councilor I got opportunity to take part in that event and had chance to dialogue with representatives of Bar Associations of developed countries.

I presented a paper describing the situation of rule of law in Nepal and Mr. Alf Skogly, a delegate of Norwegian Bar Association was interested to talk with me and showed interest to support NEBA. After two years we met, he came to Kathmandu and interacted with the Executive Board and other active members of NEBA. After the discussion the legal aid project began. The credit of the beginning such worth collaboration goes to the member of Executive Board of NEBA (then) and other active members, I was just a facilitator.

A2J Project : *In your view, what are the steps that NEBA needs to take to make justice more accessible?*

Mr. Shrestha: There is need of continuity of international support, the challenge is how to manage resources from multiple sources and operate the services of legal aid and new dimensions such as promotion of paralegal service and service by mobile camps.

Annex II

From Legal Aid Project 1988 to Access to Justice Project 2010-14 25 years of Collaboration between Norwegian Bar Association and Nepal Bar Association

Interview with Advocate Mr. Subas Chandra Nembang, former speaker and Chair Person of Constituent Assembly, then Secretary of Nepal Bar Association when the Agreement of the Collaboration was signed for the first time

A2J Project : *The collaboration between Norwegian Bar Association and Nepal Bar Association to improve free legal aid and access to justice in Nepal has completed a period of 25 years and both are celebrating silver jubilee of the collaboration; Mr. Nembang, as you were the Secretary of the Association would you give us background features of the beginning the collaboration?*

Mr. Nembang: The initiation for the collaboration was taken in September 1985 and the cooperation was the result. Both agreed to provide legal aid to needy, empower women through it, raise the awareness of law



Subas Chandra Nembang

Interview

and publish NEBA law journal. It has crossed 25 years, it's a matter of pride as I have learnt that Norwegian Bar Association has collaborated with Bars of other country making the collaboration as sample.

Norwegian party was ready to cooperate realizing the zeal of service among Nepalese lawyers because prior to legal aid project, lawyers in Nepal were active and alert in providing support to indigent in their personal capacity. Units of NEBA were instructed to provide free legal aid arranging local resource that they could arrange and at least they were required to launch legal literacy programme twice a year. The slogan of the Fourth All Nepalese Lawyers National Convention was set as "Justice for Helpless People" and the Convention had obliged member lawyers by adopting a resolution that a lawyers must provide free legal aid to the 10 percent of the total cases that s/he represents for. In the March 1986, NEBA, under collaboration with **South Asian Coalition of Legal Action** was able to organize a South Asian Legal Aid Conference in Kathmandu. To begin the NBA-NEBA collaboration, then Executive Board of NEBA had great role, however, that could not be possible if other active members had not busted it up. I here would like to recall my memories on the contributions made by Senior Advocate Mr. Kusum Shrestha, Advocate Bharat Raj Upreti and Advocate Bhim Rawal, who later lead the project as director. I also recall the Norwegian friends who had sense the collaboration as a real joint responsibility.

A2J Project : *The collaboration in a period of 25 years is seems to be stressing in the legislation and implementation of Legal Aid Act and Regulations, and you were the on whose initiation the law approached to the parliament and enacted. There is a public grievance that the legal aid under the law is ineffective. What you see the reason behind this ineffectiveness?*

Mr. Nembang: The need and absence of such law was felt by the lawyers and the law is an outcome of the positive support and pressure of the lawyers. As a member of lawyers community, I had presented the bill in the National Assembly as a private and this is one of the three

private bills that have been adopted and enacted by the parliament as private bill in Nepalese parliamentary history. From our collective endeavours, the Interim Constitution of Nepal 2007 has included free legal aid to needy people under entitlement right to justice; however, the enforcement of existing law is weak which is reality and I admit the gravity of the grievances.

The draft of the bill was prepared by NEBA and the law has provision of participation of NEBA in dispensing the legal aid as well, there is a provision of a legal aid fund and that comply with the constitutional guarantee as well. It is clear to all that the government has not shown its commitment to implementing it as legal aid is not taken in priority by the government. Further persuasion and pressure is essential.

A2J Project: People and the government of Norway are helping form legal aid in Nepal but Government of Nepal is reluctant in arranging resource and management. Why is so?

Mr. Nembang: Resources and management of legal aid to needy people in Nepal is a responsibility of Government of Nepal. The Constitution and the Legal Aid Act state the same. The government is escaping from this responsibility which is depressing. It is an outcome of lack of sense of responsibility.

A2J Project: Currently a new concept of access to justice that incorporate services of legal service, social service and paralegal support has been evolved as legal aid alone could not ensure justice. In this context, what do you think the major actions to be taken by NEBA taking support from institutions or partners from abroad?

Mr. Nembang: I have previously mentioned it that this is a result of wish and experience of NEBA and lawyers. In changed context, the forms of delivery may be amended but implementation of the provision of legal aid effectively is our responsibility. Firstly, the government should allocate resource for legal aid fund, NEBA should also contribute

and international institutions or partners are to be invited to cooperate us but initiation must come from us and NEBA is to be in the front line.

A2J Project: The collaborative support from Norwegian Bar Association has reached to 25 years; Is not it enough? What is the period should we expect support from others to make access to justice sustainable on our own?

Mr. Nembang: We also did not think that the cooperation lasts for such a period but it is our success in serving the needy people in collaboration. Definitely we have to make necessary preparations for making it sustaining on our own; however, the support is necessary for us until the government takes full responsibility. To cause government responsible we have constitution and the law at least.

A2J Project: Would you say some words as assessment of the collaboration?

Mr. Nembang: The collaboration has been sample for other countries as well which is a matter of satisfaction. Continued long term collaboration is our success and is remarkable. I have taken the collaboration not only as a success of cooperation between two Associations but also at the level of the people of two countries as the reach of legal aid is to the grassroots people of Nepal and I have considered that as an achievement. I favour the continuity of it.

Annex III

**From Legal Aid Project 1988 to
Access to Justice Project 2010-14
25 years of Collaboration between
Norwegian Bar Association and
Nepal Bar Association**

Interview with Advocate Mr. Bhim Rawal, former Minister of Home Affairs, the first Project Director of Legal Aid Project in 1988

A2J Project: The collaboration between NEBA and NBA has come across of a period of 25 years. You had worked for the collaboration in the beginning as Project Director of Legal Aid Project, what were the challenges you faced as an implementer during your time?

Mr. Rawal: Yes, I had taken the responsibility as a director of the project. The time was just before of the popular movement of 1990. Oh! It has been 25 years. I congratulate all the members of NEBA and wish a grand success of the project that is continuing.

While the start of the project, the environment was not favourable to democracy and rule of law. Party-less Panchayat regime had banned the political parties. Fundamental rights such as writing, expressing and organizing meetings were restricted. NEBA and its members were in



Bhim Rawal

Interview

the front line in the movement against that tyranny. No effective system was there to help the needy people for their cases in the courts. In such circumstances, the project was launched as a part of NEBA movement for democracy and rule of law. The project was an outcome of the commitment of members of NEBA to human rights and democracy. The role played by Mr. Kusum Shrestha (NEBA) and Mr. Alf Skogly (NBA) is significant and noteworthy. Late Mr. Laxman Prasad Aryal was president, Mr. Basudev Dhungana was Chair of Legal Aid Committee, Mr. Subas Nembang was Secretary, Mr. Damannath Dhungana was Chair of Publication Committee and Mr. Kusum Shrestha was Coordinator of Project Implementing Committee. I had taken a joint responsibility as an Editor of Nyayadoot and Executive director. The guidance and inspirations that I received from above people is memorable forever. Project was launched taking two rooms in rent and there were challenges to me to make aware and ready members of NEBA to cooperate for materializing legal aid to needy and to make safe the project activities from political repression by the government. It was very difficult to reach people due to state obstacles. Budget was also a concern, however, it was increased later. Four project offices were opened in the districts. Support from lawyers and public in general was provided very generously and finally NBA became able to operate project office in its own building complex.

A2J Project: What are the tasks of NEBA that you see as priority to make justice accessible ?

Mr. Rawal: There is great role in the changes context as Nepal is in process of state-restructure under democratic republic. There is absence of popularly elected bodies and people are in confusions. NEBA should give priority stabilizing the situation for sustainable peace and economic progress of people along with national integrity, indivisibility, sovereignty and independence. It should further its endeavours for making justice accessible by ensuring independence of judiciary. Campaigns for service delivery in different forms are essential in this regard. It would be better further programme with review of the efforts that we did so far.



Boosting ACCESS to Justice for Needy People

25 Years of Journey together with
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