

## CENTRE FOR ENVIRONMENTAL LAW AND GOVERNANCE

### LEGAL AID

The National Environment Policy in Tanzania encourages development that is sustainable, and that respects present and future needs for a healthy environment. Protection of the environment and rights requires a justice system that reacts to illegal violations.

In Tanzania, laws and policies do exist to ensure rights to a healthy environment, and access to courts to protect these rights. Enforcement, however, is lacking. And those most vulnerable are often left without the awareness and resources necessary for justice.

#### **The Need for Legal Aid**

CELG's legal aid programme exists to respond to the above needs by providing high quality legal assistance to communities suffering from violations of environmental laws. CELG trains communities across the nation on their rights to environmental justice and access to courts. These services are available free of charge and are focused on serving those most in need.

Through legal aid, the organization has helped communities fight against air, land and water pollution, violations of land rights, and more. CELG recognizes use of courts as an important tool in creating respect for the rule of law, and precedent for environmental litigation.

#### **Overview of services**

CELG's services focus on providing quality legal assistance related to environmental laws and environmental rights in Tanzania.

To access its clients, CELG both responds to requests for legal aid, and reaches out to communities facing breaches of environmental laws. Mobile legal aid clinics, using the expertise of local advocates and specially trained legal aid coordinators, travel the country to hear the needs of local communities. CELG incorporates legal aid into many of its projects with specific focus areas such as mining or land management. CELG is a member of several legal aid networks and partnerships, who work to ensure that clients are paired with those advocates who can most effectively provide assistance.

When a client's situation is deemed appropriate for litigation, a careful strategy is tailored to ensure effective use of the courts. CELG brings cases to all the various courts of law in Tanzania (though most often to the high court for prerogative

orders). CELG's staff has extensive expertise in environmental laws in Tanzania, and prides itself on providing legal assistance of the highest quality.

CELG emphasizes full client participation in the legal process, working to make sure that clients are knowledgeable and aware of all options, risks and opportunities, and that they fully understand and support any choices made. The legal aid programme works closely with CELG's other programmes to ensure a comprehensive response to breaches of environmental laws and rights. CELG sees its work in advocacy, research, education and awareness rising as vital for success in the courts.

### **Accessing legal aid**

Communities seeking to request legal aid from CELG can access the organization via email, telephone, regular mail, or in person (see contact information below). Upon submitting a request for legal aid to CELG, clients can expect a timely response. After initial contact is made, a focal discussion is scheduled in order to further explore the client's situation and complaints. Following this discussion, documents and other evidence are collected and reviewed so that we may gain a thorough understanding of the client's case. Based on this research, clients then receive a legal opinion from CELG. The opinion outlines the organization's view of the legal situation at hand, and options for next steps.

Some cases end at the legal opinion level, while others continue beyond. If communities decide to proceed with the legal action, they will be formally requested to declare their intent to be represented. This is to insure that all parties are on-board with the process. With the declaration of intent, clients are expected to ensure their availability and long-term commitment to the case. To assist client in understanding the process ahead, CELG creates for each client a schedule with expected filing dates and other relevant events. In addition, the organization conducts any necessary training of community members. In exchange for client commitment, CELG promises to provide quality legal aid through the legal process from start to finish.

### **Mobile legal aid clinics**

CELG's mobile legal aid clinics are an innovative tool for providing access to legal aid to those most in need. Staff and legal aid coordinators, along with partner advocates and CBOs, join forces to bring legal assistance to areas in Tanzania that otherwise are without such help.

To implement the clinics, CELG trains legal aid coordinators from different regions to act as focal points and organizers, and then collaborates with the coordinators, local authorities, media, and local organizations to publicize and

host two-day clinics where people are invited to share their environmental concerns and receive legal advice.

In order to provide comprehensive legal assistance, CELG teams up with local advocates, who receive training on environmental laws. Legal issues that are not environmental in nature are transferred to an appropriate partner organization. Serious violations of environmental law that emerge from the clinics are referred to the head office for further processing and evaluation. These clients then receive the same individual-centered treatment as outlined above.

### **Contacting CELG**

For any questions, or to request legal assistance with an environmental concern, contact:

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