

The Role of University-Based Legal Aid Centers in Ensuring Access to Justice in Ethiopia

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Abstract

Access to justice is one of the fundamental rights that the citizens of a country are entitled to. In cementing this recognition, various international and national human instruments have included the principle as part of an endeavor to elevate the right to global importance. The FDRE Constitution has emphatically incorporated the right in a fashion that demonstrates the importance attached to it. Because, with the right to access to justice, members of the society not only are able to protect their rights and interests but also empower themselves and understand their human worth. However, the realization of this right has been the most challenging undertaking by many countries in the world. This challenge would be much compounded when it comes to countries like Ethiopia because of the various reasons. The main one, though, is the under-development of the legal infrastructure necessary for the achievement of the right. Ethiopia is among few countries in the world with the lowest municipal legal penetration. Setting aside the reasons behind the very low level of penetration, if we concentrate on the consequences of this poor penetration; the outcome is that the great bulk of the population is still outside the formal legal system. The government is doing very little to remedy this problem. The legal aid centers in the universities are among the alternatives that are suggested by some expert to alleviate the problem. The universities in Ethiopia have accepted this approach and started providing legal service to selected indigent people. The centers, despite multiple bottlenecks on their operation, are still contributing a lot. This article argues that the role of the legal aid centers cannot be underestimated. Therefore, the government and any other responsible organ should pay attention to the problems crippling the performance of the centers. Among those, special attention should be paid to staffing the center, financing the center by allocating necessary and regular fund from government treasury, and most importantly, establishing a center recognized by the Federal Civil Service to hire competent staff.

Keywords

Access to Justice, Fundamental Rights, Enforcing the Rights, Universities
Legal Aid Centers, Finance, Staff, Civil Service Laws

1. Introduction

Access to justice is one of the fundamental rights that the citizens of a country are entitled to enjoy in the exercise of their liberty, equality, and dignity. It is because of this nature that bills of rights have unanimously recognized not only as right in itself alone but also as an instrumental right safeguarding the protection of other rights. This is the nature of the right, however, the conceptual underpinning of the rights and the extent of the enjoyment of the right are far from uniform acceptance by all jurisdictions. Particularly, problems relating to the enforcement of this right have been the most worrying subject for jurists, human rights activists and everybody that are concerned about the dignity of human-beings on equal footing and without distinction on the basis of race, color, financial capacity and the like. In spite of the desire to have the above kind of protection with regard to access to justice, the overwhelming majority of the poor, the vulnerable, and the children particularly are denied of this right. The recognition of this right as fundamental human right is the common phenomenon in the Ethiopian legal system. But the problems hindering the full enjoyment of this right are more chronic when it comes to Ethiopia because of multitudes of reasons.

This article is a modest contribution to the ways that legal aid can be used in the realization of the right. As it is a common practice in many jurisdictions to employ different formats in the actualization of the enjoyment of the right, Ethiopia also engages various actors and modalities with the view of helping the disenfranchised have their right to access to justice respected and protected. All of them have their strength and weaknesses making it imperative to use all of them at the same time with a collaborative effect. The university-based legal aid centers come as a new feature in the Ethiopian legal system, but with the presence a very limited support, they can have a tremendous impact on the protection of the rights. With a preliminary discussion of these formats, the principal concern of this paper is evaluating the performance of these centers and considering the challenges thwarting their performance. For that, the paper is divided into four parts. The first part deals with the concept of access to justice and its recognition as human right in a global context followed by access to justice in Ethiopia: the challenges. The third part raises issues how legal aid service can attempt to alleviate these challenges. Finally the legal aid centers in universities with their service and the bottlenecks that constrain this service are addressed and the paper ends some concluding remarks.

2. General Overview of Access to Justice

2.1. Definition and Emergence

The exact usage of the concept of access to justice has been a very recent phenomenon, following the works of a particular writer called Mauro Cappelletti who in collaboration with Bryant G. Garth produced one of the most important articles in 1978 (Cappelletti & Garth, 1978). However, the idea of access to justice as a duty of the government and/or the right of the citizens predates this time by a far margin. For instance, Andrew Higgins writes the government's responsibility at least in the narrower sense has been recognized by the responsible organs of the government since 1949 at which time, the government was providing some sort of support for those individuals who were not in a position to afford the cost of litigation (Higgins, 2014: p. 15). Although that is the fact many writers on the issue of access to justice recognize the contribution of Mauro Cappelletti for using the terminology as a legal concept for the first time. Based on a study these writers had engaged in, they found out that one of the most puzzling concepts of the time was "access to justice" and because of this complication in terms of understanding the concept, they did not find it easy to define and delineate it helping the general public figure out the meaning and duties and rights attached to it (Cappelletti & Garth, 1978: p. 182).

This writer wants to make sure that the understanding or defining of the concept of access to justice is still a very difficult task not only because of the inherent difficulty of clearly spelling out the corners of the concept but also because of the current status of the concept. The concept has been so over-used and it is a buzzword now allowing everybody to use it as if it is a done deal concept in legal writing. Identifying this problem correctly, Estelle Hurter wrote that the term has been used to designate varieties of concepts formally packing it with different values. This has forced the writer to underline that "this is no doubt due to the fact that the phrase has over time become politically loaded and thus necessarily problematic" (Hurter, 2011: p. 413). This led to a phenomenon known by writers as "a bad case of semantic overload", a phenomenon known to have occurred when a substance of legal writing is used to fit a variety of purposes resulting in the missing of the basic message the concept should stand to convey (Ibid). In support of the above idea, Micah B. Rankin writes that the use of the concept of access to justice has been "ubiquitous" (Rankin, 2011: p. 4). But despite frequent reference to the concept by scholars, courts, and policy-makers, its meaning remains elusive and reflects "a wide range of different values and objectives in relation to a great diversity of issues and activities." (Ibid)

This challenge, however, did not inhibit Cappelletti and Garth, who had set out to do justice to the concept of access to justice itself. Accordingly, they have laid in one of the stunning fashion the concept of access to justice as "...the system by which people may vindicate their rights and/or resolve their disputes under the general auspices of the state" (Cappelletti & Garth, 1978: p. 182). This has served as a benchmark for many of the definitions and development of the

right to access to justice as a broad concept dealing with the right of individuals to have access to state machinery to protect their rights and address their grievances. The definition also tells us a lot about the responsibilities of the government in that it is the duties of the state to avail this machinery to be used by the citizens.

Besides, if we are to consider the formal sense of the concept we can attach a meaning showing the same desire as “access to justice refers to peoples’ abilities to have reasonable and effective access to courts of law and other tribunals and the opportunity to obtain legal services from qualified professionals” (Rankin, 2011: p. 4). In this formal understanding of the concept, access to justice can be related to the existence or otherwise of the “...conditions necessary for litigants to engage existing legal processes, including things like court procedures, court-related fees and of course, the availability of lawyers” (Ibid)

In terms of access to justice, many find it very informative considering the definition set by the UNDP practice document. According to the Organization, access to justice refers to “the ability of people to seek and obtain a remedy through formal and informal institutions of justice, and in conformity with human rights standards” (UNDP, 2004: p. 3). The importance of this definition is that the forum that can be used for the purpose of seeking a remedy is not restricted to the formal institutions, but informal ones too. This broadens the possibility for the claimant to have better access to institutions which are easy, affordable and accessible. This understanding of the concept is quite important for countries like Ethiopia where, as we will see it later in a detail manner, the accessibility of formal institutions is far from reality because of various reasons. The other important element of this definition is that when the right to access of justice is among the rights of citizens, a corresponding duty has been imposed on the government to make sure that these institutions are available and accessible both physically and financially to the general public. This area of the definition of access to justice will be elaborated in the next section of this paper dealing with the issue of access to justice becoming one of the cardinal features of human right discourse currently.

2.2. Access to Justice as Human Rights Issues

Although the right to access to justice in its current format is a recent phenomenon, the recognition of the right to effective remedy has been there for a long period of time. In this relation, Abate M. and Birhanu A., Alemayehu M., argue that “however, the term access to justice has not been explicitly used as a legal terminology in human rights instruments” (Abate, Birhanu, & Alemayehu, 2017: p. 4). Different terms were used for the purpose of identifying the right of individuals to have access to remedy in case they have been aggrieved (Ibid). If we consider, for instance, Article 8 of the Universal Declaration of Human Rights (UDHR), it states that “everyone has the right to an *effective remedy* by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” (Emphasis added). In a similar fashion, In-

ternational Covenant on Civil and Political Rights (ICCPR) recognizes the right to effective remedy in more than one provision and it also deals with matters having to do with “fair public hearing”, the avoidance of undue delay in the delivery of the justice.

The European Convention on Human Rights (ECHR) raises similar right in the form of granting individuals the right to fair trial and a corresponding right to seek remedy by stating that “everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity” (ECHR, 1950: Article 13). The African human right system also follows a similar pattern in recognizing the right of individuals in terms of accessing the justice machinery. Accordingly, the African Charter on Human and Peoples Rights (ACHPR) stipulates under article 7 a broad range of rights in relation to “every individual shall have the right to have his cause heard.” In the form of elaborating this right, the Charter identified the following right comprising the above right. These are the right to appeal to a competent authority, the right to be assumed innocent until proven guilty, the right to public defender and a timely court appearance (ACHPR, 1981: Article 7(1)).

Some international human rights instruments have been more forthcoming in terms of using the terms as we understand it today. As such, following the contribution of Professor Mauro Capelletti during the 19870’s and 1980’s, Conventions like, the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters used the term expressly by defining access to justice as “access to a review procedure before a court of law or another independent and impartial body established by law” (The Aarhus Convention on Access to Information, 1998: art. 9 (1)). The 2006 UN Convention on the Rights of Persons with Disabilities follows the same pattern of recognizing the right of access to justice by clearly indicating it as a right by using the term of “access to justice”. Accordingly, the Convention identified the right of access to justice underlining that “states parties shall ensure effective *access to justice* for persons with disabilities on an equal basis with others...” (The UN Convention on the Rights of Persons with Disabilities, 2006: article 13). (Emphasis added)

In terms of human rights jurisprudence, the right to access to justice has developed tremendously ever since it has been incorporated in the bills of rights. And currently it has become one of the cardinal features of any legal discourse which are engaged in for the purpose of protecting individuals’ rights. This has been the reality because of various reasons, principally, however, because of the effectiveness of the rights not only in itself but also as an instrument of protecting and vindicating other rights. This particular feature has made the right the pillar for the protection of other concomitant rights. The policy of the United Nations Development Programmes argues in this relation that “access to justice is a basic human right as well as an indispensable means to combat poverty, prevent and resolve conflicts” (UNDP, 2004: p. 3). And whenever the discussion

is about access to justice, the very relevant idea that should accompany this right is the role the right can play in helping protect the other rights.

Furthermore, the current policy underpinning the emphasis on the right to access to justice is that in a post-conflict situation, access to justice plays a vital role in addressing some of the grievances that are the consequences of the conflict. This is true when, by using this right, some form of accountability can be achieved in the society that has suffered because of the conflict in various forms, particularly discrimination.

Sackville in this regard designates the concept of access to justice as an ideal which every country or legal system aspires to achieve in the dispensation of justice. Crystallizing this idea, he wrote that "...concept of access to justice embraces [...] the proposition that each person should have effective means of protecting his or her rights or entitlements under the substantive law. This ideal is often seen as an element of the fundamental principle that all people should enjoy equality before the law," (Sackville, 2003: p. 2).

The issue of access to justice as it understood today is argued to be an instrument for improving other social rights that individuals enjoy in their community. That why Estelle Hurter argued that access to justice should not be dealt with in isolation rather the approach should be to pay attention "...to the rights which may flow from such other access" (Hurter, 2011: p. 413). The UNDP takes the issue of access to justice a bit further and it relates it to the prevalence or otherwise of democratic governance by determining it on the basis of the availability of access to justice. Strengthening this idea it has been written that "democratic governance is undermined where access to justice for all citizens [...] is absent" (UNDP, 2004: p. 3).

The role of the right is also linked with poverty reduction by way of allowing the individuals who believe that their rights have been unduly denied to access justice and make sure that these rights are protected. The link between reduction of poverty and access to justice has been explained by outlining the mutually reinforcing nature of the two as "increased access to justice will complement government efforts to reduce poverty and empower communities" (World Bank, *A Framework for Strengthening Access to Justice in Indonesia*, p. 2). In a more articulated manner, the link between poverty and access to justice is explained in the following way "access to justice is also closely linked to poverty reduction since being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making" (UNDP, 2004: p. 3).

Because of the above facts, currently the issue of access to justice is a hot subject both because it is a right that the society should aspire to achieve and also because the instrumental role of the right is so profound that its denial has an important domino effect leading to the violation of other vitals right particularly for the poor, the marginalized, and the vulnerable. Appreciating this fact Estelle Hurter summarized the importance of the right stating that "viewed this way, access is more than a mere admission ticket to the formal legal process; it is a ba-

sic political resource allowing for other opportunities” (Hurter, 2011: p. 418).

To conclude this part, the right to access to justice as it stands today, without doubt, is one of the most important rights not only because of its nature of allowing everybody to access the justice machinery of the state, but also it serves as a guarantor for the protection of other rights that individuals feel that they have been prejudiced by the state or fellow citizens. And it is because of this paramount importance that the general human rights instruments and human rights and governance institutions like the UNDP have emphasized the realization of this right. With this background, our next section will be devoted to the consideration of this right from the Ethiopian point of view. For that purpose, we will evaluate the current reality of the right in Ethiopia, both from legal and practical points.

3. Access to Justice in Ethiopia: The Challenges

Undoubtedly the Ethiopian legal system recognizes access to justice as one of the cardinal rules of human right principles. To justify the above statement, we do not have to labor a lot; because Ethiopia is one of the few African countries who had the opportunity to participate in the major human rights bills and negotiated the terms of these instruments. And following this negotiations, Ethiopia characteristically does not fail to ratify these instruments and give it a binding nature as the consequences of ratification. Nowadays, as such, Ethiopia is the member of multitudes of international agreements that make it imperative that a state recognizes and enforces access to justice with its concomitant duties (Brems, 2007: p. 52). One obvious matter that we need to state from the outset is that treaties ratified by Ethiopia are an integral part of the law of the land and as such citizens are allowed to invoke them in any legal proceedings. All the major human instruments we have mentioned above have already been ratified by the country; they are now the integral part of the land. The Federal Democratic Republic of Ethiopia Constitution (FDRE Const, 1995: article 9 (4)).

Besides, the domestic legal instruments starting from the Constitution, as the supreme law of the land, to other detail laws have been in force for quite some time now recognizing the right as fundamentally important one. For instance, the FDRE Constitution provides for the right to access to justice in the manner that outlines the importance attached to the right stating that “everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power” (Ibid, article 37). As such, what we can safely conclude from the foregoing discussion is that access to justice has been recognized as an integral part of the Ethiopian legal system for quite some time now.

As some people argue, however, the devil is in the details. Because Ethiopia has another distinguishing character that is it is among the countries with the lowest formal legal penetration compounded by a number of factors and despite a demonstrated desire by the government to achieve access to justice, the major-

ity of the public is still far from benefiting from this right so far. Kokebe W. Jemaneh in recognition of this ordeal writes that “however, the real application of the right for Ethiopia is fraught by a multitude of legal and practical challenges” (Jemaneh, 2014: p. 10). With regard to access to courts and their performances Assefa Fiseha also writes that because of the factors, external and internal to the judicial systems and despite some attempts at reforming the sector “...the courts are far from accessible to the ordinary men and women” (Fiseha, 2014: p. 99).

Many factors have played a fair share in the state of play of the implementation of the right of access to justice and other human rights principles that are contained both in the international and national legal documents. One of the factors correctly identified by commentators on access to justice in Ethiopia contributing for the low penetration of municipal law and as such poor level of access to justice is the low literacy level that is chronic in the country (Jemaneh, 2014: p. 10). Adult literacy rate as it stands on the most recent data available is at a staggering 39% of the population. This is very high even compared to many Sub-Saharan African Countries¹. A country which is plagued by such a high level of illiteracy, without a doubt, would face a serious challenge in realizing access to justice for the society because the exercise of this right primarily requires awareness on the part of the individual targets of the right. Awareness of the existence of the right and its availability for consumption by the citizens of a country empowers the targets of the right to work hard towards the realization of the right. The absence of this state of mind plays a negative role in undermining the readiness of the targets to seek to achieve the rights.

The other major problem that has contributed to the low level of access to justice in Ethiopia is the perception that the great majority of the people have towards the independence and efficiency of the judiciary (Ibid). As such, the bulk of the population living in the rural areas are far from the service of the juridical organ of the government both physically and spiritually, since the courts are established at the *Woreda* (*woreda* is the second lowest administrative unit in Ethiopia next to the *kebele*) level, which can take days to access. Even if they access shouldering all the hardship from physical and financial inaccessibility, the majority of the population does not believe that they can redress their losses through the instrumentality of the judiciary (Fiseha, 2011: p. 709). According to the studies that are available “level of trust and public confidence enjoyed by Ethiopia’s national institutions gave the courts a rating of only 65%, with parliament rated at 41%, the police at 68%, and the civil service at 59%” (Ibid). This low level of trust and confidence seems to have been the result of rampant corruption, gross incompetence and political patronage on the part of the judiciary seriously deteriorating “...public perceptions {and} severely affecting the reputation of the judiciary.” (Ibid)

This, in turn, affects their access to information, which can be used as a very

¹Statistical data available on UNICEF website on Ethiopia, available at https://www.unicef.org/infobycountry/ethiopia_statistics.html accessed on May 18, 2018.

effective tool in the fight for the realization of access to justice for the individual members of the society (Jemaneh, 2014: p. 10). This lack of access to information affected negatively the availability of legal materials and professionals in the remote parts of the country where the overwhelming number of the population resides.

In addition to the above factors, like any developing country, Ethiopia faces a chronic shortage of the number and trained legal professionals, like judges, court personnel and sometimes even the court infrastructure itself². As such, when one travels a few kilometers from the Regional Capitals, it is not difficult to find strange settings for the courts to operate in. According to the available data, the judges and population ratio in the country is a staggering one, a single judge serving more than 14,000 people (Fiseha, 2014: p. 101). With this very decimated infrastructure and personnel, it does not take someone to be a genius to figure out that the country is up against a persistent battle making it imperative on the part of the government to devise various ways of filling the gap in the realization of the right.

The problem, when it comes to the legal representation has been worsening from time to time because of the under-funding, the limited attention paid to the problem and more importantly because of the failure to understand that representation is a fundamental right (Jemaneh, 2014: p. 10). Besides, when there is the availability of lawyers in some of the major cities of the country, the price of engaging professional lawyers has been skyrocketing and hence, effectively blocking the participation of these lawyers in litigation because the parties cannot afford their fees. This led Wendmagen Gebre to conclude that justice currently has been "...a rare commodity which is accessible only to the privileged, the powerful and the rich, excluding the poor, the marginalized and the weak" (Fantaye, 2014: pp. 123-124).

The consequences of the above factors are that the overwhelming majority of members of the community have to take refuge in the customary rules of dispute resolution (Pankhurst & Assefa, 2008). They are rampant and effective as well in relation to addressing the grievances of the society at large (Ibid). This has its own implications on the achievement of justice to the entire members of the community on equal footing and the conformity of some of the customary practice in the country with the provisions of the Constitution on equality, women's right and the like. Setting that issue aside for other discussions and writings, one thing that we can conclude from the foregoing discussion is that access to justice has not been an easy task not only for countries like Ethiopia with the poorest financial, human and democratic capital, but also those countries who consider

²J. Krishnan et al., "Grappling at the Grass Roots: Access to Justice in India's Lower Tier" 27 *Harvard Human Rights Journal*, (2014). This seminal study has shown that in India which is regarded as "the biggest democracy" in the world today access to justice is curtailed by "including infrastructure, staffing, judicial training and legal awareness, costs and continuances, gender and caste discrimination, power imbalances, intimidation and corruption, miscellaneous delays, and challenges with specialized forums-impact access to justice in the lower tier." p. 151.

themselves as the champion of rights of their citizens (Krishnan et al, 2014). Considering the above points, some may argue that this is demanding a lot from the government that is constrained by multitudes of factors. Wendmagen Gebre in this relation argues that “it might be over ambitions to require that a state to provide citizens with expeditious access to justice under all circumstances, since lack of resource and geographical distance might make it difficult for the state to meet that requirement” (Fantaye, 2014: p. 123).

The solution, therefore, should come in different forms and from different sources as well. There are some writers who argue that the achievement of access to justice can be real by using customary dispute resolution mechanisms, which as we have said above, are available in abundance in the most parts of the country, and as such, with some assistance their role can be instrumental in realizing access to justice in Ethiopia (Enyew, 2014; Assefa, 2012; Pankhurst & Assefa, 2008). The writer of this paper cannot confirm or deny the validity of this statement since doing so will require an independent study and logically is beyond the scope of this paper. The argument of this paper, as we have set out from the beginning, is addressing the role university legal aid centers play and accordingly, the following parts of the paper will be devoted to the discussion of legal aid centers and their roles in achieving access to justice.

The Role of Legal Aid Centers in Addressing Some of These Problems

The concept of legal aid implies the provision of legal service to those who cannot afford either free of charge or at a reduced charge and in the normal course of things, it is the state that is considered to be the primary provider of the service (UNODC, 2011: p. 11). Legal aid service can be provided directly by the state institutions or the state might indirectly fund the provision of the service without involving in the provision of the service directly. Furthermore, state may facilitate the provision of legal service to the indigent section of the society by allowing non-state actors like non-governmental organizations (NGOs), civil society’s organization CSOs, and other professional organizations and academic institutions that are able and willing to provide the service (ARC International, 2005: p. 8).

The emergence of legal aid is linked with the birth of welfare state in Europe during the 1940’s and 1950’s. In the initial phase of the service, legal aid was provided for those who fulfill the financial criteria in terms of not being able to provide for their own legal service by their own means (Higgins, 2014: p. 15). Andre Higgins in this relation stated that in the process of “...creating Britain welfare state, legal aid was available to all persons who satisfied financial eligibility criteria and whose case had legal merit” (Ibid). This is because taking the truth head-on, there were some parts of the society who could not afford to pay for their legal services in the country back then and even now. The role of legal service in a global context then cannot be overstated because of the advantages that they can have in addressing legal problems. In this relation it has been ar-

gued that “legal aid has gone some way towards opening access to the courts; legal representation and advice has made things somewhat more comfortable, more comprehensible, but there is still a long way to go” (Hayes, 2010: p. 29).

On the broader agenda, the emergence of legal aid is linked with the end of WWII and the emergence of the democratization process in the world. Considering the first historic incident of the WWII, Don Fleming argues that the European Countries, particularly the UK “...heralded an unprecedented emphasis on legal aid around the world, and the establishment of new legal aid schemes in a number of other welfare capitalist societies” (Fleming, 2007: p. 1). With regard to the modernization issue, the 20th century has a number of significant improvement leading to the wave of modernization in the form of, the growing political significance of modern social rights, new social dynamics such as democratization, industrialization, and urbanization, migration, class conflict, electoral reform and mass education and many these factors have contributed to the emergence of legal aid in some way or another (Ibid, p. 2).

When it comes to Ethiopia, the fact that many people wanting to have a legal service in Ethiopia seems without a doubt based on the facts we have raised in the previous sections. The relevance of providing legal service in countries like Ethiopia plays multitudes of purposes. It has an essential role in supporting the disadvantaged, the vulnerable and those without means to protect their right by the use of legal machinery. The role of providing legal aid has been summarized by Zuckerman as, “the aim was not only to provide the poor with a basic legal service, but to grant to the poor the level of legal services sufficient to ensure that they are not at disadvantage compared with their richer opponents” (Zuckerman, 1999: p. 36). Supporting the above idea, Stephen Golub has also argued that the provision of legal aid to the indigent section of the society, in paving the way for access to justice, plays a very important role in enhancing the rule of law, good governance, human rights, empowerment of the poor and poverty alleviation (Golub, 2004: p. 2).

Because of the above fact, the Government in Ethiopia has introduced varieties of ways whereby the service of legal aid can be provided for the poor, the marginalized and the vulnerable. Among these, the government provision of legal aid in the form of public defender, the NGOs provisions of legal aid and the university-based legal aid service can be mentioned. In the interest of time and space, a very limited consideration of the former two will be made in this part, with the purpose of considering their roles and the limitations.

In terms of the legal aid service provided by the government in the form of the public defender, the service is available only in criminal cases where there is a belief that in the absence of this legal service, there will be a miscarriage of justice. The FDRE Constitution in Article 20 (5) states that persons who do not have the means to secure their own legal counsel are allowed to have one on the government expense by stating that “if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.” As such, when the crime is considered serious and war-

granting the availability of public defender, the Office of Public Defender will order the required representation by one of the lawyers available for this service.

But the protection of this right has not been an easy task for the government because of various reasons, principally due to lack of sufficient resource. The research commissioned by the World Bank has stated the situation in the following manner, “indigent criminal defendants have a constitutional right to legal representation at the state’s expense. In practice, this guarantee has not been fulfilled because of limited resources and public awareness,” (*The World Bank, 2004: p. 29*). Another survey conducted under the UN Agency has concluded on the basis of the report it has received from the Government of Ethiopia that “Ethiopia reports “minimal legal aid service in many criminal cases” and “under-staffing” in the office of the defence counsel” (*UNODC, 2011: p. 9*). (Quotation in the original document)

Despite the challenges the office faces, legal service is provided for the following serious crimes as identified by the above study. The study has shown that “the office provides legal services to criminal defendants, as obligated in the Constitution, and primarily defends cases involving genocide, juvenile delinquents, corruption, treason, and other serious criminal allegations” (*Ibid*). These crimes have been selected on the basis of their seriousness and probably on the basis of the consequences that the punishment that they could entail on the suspect in case they are found guilty.

However, if we consider the provision of the Constitution in its straight context, it does not seem to have laid down that kind of categorization. Because in almost every criminal proceeding if the suspect is not represented by an able lawyer in the presence of an over prepared and powerful state, the possibility of miscarriage of justice is inevitable. This is even more serious for an ordinary person facing the utterly new and quite formal setting of court of law. In this situation, it is obviously an intimidating circumstance which Maurice Hayes explains in a beautiful way stating that “for most people the experience of going to court is ordeal enough, not to mind the adversarial culture in which challenge is merciless and the prize goes to those who can shout the loudest or muster the bigger guns” (*Hayes, 2010: p. 29*).

The second format of providing legal aid service put in place by the Ethiopian legal system is the use of NGOs and professional organizations that have the desire to deliver legal service to the disadvantaged and vulnerable groups of the society. Professional organizations and practicing lawyers have been the major provider of legal aid service considered from a historical point of view. This is because, in the majority of the legal systems, the duty to provide *pro bono* service is one of the duties that a professional practicing law has to undertake during the tenure of his service. The logic behind this is that “the basis for practice is associated with the inherent public purpose of the profession and the conception of justice as a core value underlying the law” (*Shiferaw & Mitiku, 2013: p. 37*).

It seems that the Ethiopian Government must have this thought behind the

incorporation of *pro bono* service as a requirement imposed on all legal professionals practicing law both at the federal and regional level in the country. Accordingly, the Federal Court Advocate's License and Registration Proclamation imposes an obligation on practicing lawyers to render 50 hours of *pro bono* legal aid service to the poor annually and report it to the license renewing authority about the delivery of the service to have their licenses renewed³. The same format is followed by the Regional Governments in the country in terms of forcing the professionals practicing law to render service to the selected few indigent section of the society, except that in some of the Regions, rather than requiring the delivery of service for 50 hours, the law mandated that the lawyer has to represent a client in year for the above-mentioned purpose (Tigray (Tigray is one of the Regional states in Ethiopia) Regional Courts Advocate's License and Registration Proclamation No. 262/2007).

The practical relevance of this legal requirement has not, however, been meaningful because of various reasons. The main reason, though, is the absence of awareness, curtailing the benefit of engaging a professional lawyer in the delivery of justice in a court of law. As we have mentioned in the preceding parts, professional lawyers are rare occurrences in the rural areas, where the majority of the people live. Even in the presence of these lawyers, the tendency of seeking their service and forcing the professionals to render the service is very seriously limited (Tura, 2013: p. 136). Hussien A. Tura conducting research on the indigent right to legal aid concluded that "a much greater number of the respondents interviewed at the courts, police stations and prison centers (85%) admitted their ignorance as to their legal aid entitlement (Ibid). And because of the above facts, the usability of the legal aid service by professional associations and practicing lawyers is not dependable so far as the disfranchised section of the society is concerned.

Before embarking on the discussion of university-based legal aid service, let us say few things about the role of NGOs in providing legal aid in Ethiopia. Like all the other formats we have discussed above in the provision of legal aid, the role of the NGOs is also dwarfed by many reasons. For one thing, the service of those NGOs that have been known for providing legal service like Ethiopian Women Lawyers Association (EWLA) and Action of Professionals Association for the People (APAP), could not go beyond major cities in the country. And more importantly, the legal aid service delivery of these organizations received a serious blow by the Charities and Societies Proclamation (Proclamation No. 621/2009). This Law restricted the promotion and protection of human rights to Ethiopian civil societies that are able to generate 90% of their budget from internal sources and, by doing so, rendered the operation of these NGOs unattainable by all standards (Charities and Societies Proclamation No. 621/2009: articles 2(2) and 14 (5)). Supporting this idea Ghetnet Metiku argued that "...the legal service

³Federal Courts Advocates Licensing and Registration Proclamation No. 199/2000 and Federal Courts Advocates' Code of Conduct Regulations No. 57/1999. Art. 49.

provision initiatives do not appear to be sustainable in the absence of significant financial support from donors” (Metiku, 2015: p. 8).

Analyzing the opportunities and challenges of various forms of providing legal aid service in Ethiopia, the next issue will be considering the situation in the university-based legal aid centers. In this part, we address the opportunities and challenges that these centers have and try to raise some remedial issues to improve the service delivery of these centers because, the writer believes that with little improvement, we can add very important value to the alleviation of access to justice problems we have been considering throughout this paper.

4. University-Based Legal Aid Centers

4.1. Emergence

The history of legal education in Ethiopia is dominated by a single law school until very recently, producing a very limited number of students which did not exceed 70 annually in Addis Ababa University. Probably the very inadequate number of legal professionals and the poor access to justice that we observe in the country today are attributable to this very limited enrollment in the law schools. As a sole lawyer producing institution for almost half a century, Addis University School of Law does not have a good record of legal aid provision (Ibid). Because, until the turn of the millennium, the provision of legal service at the university level in Ethiopia was not known and practiced. This includes the Law School at Addis Ababa University (Ibid).

Despite this glaring absence of legal aid service rendered under the auspices of Ethiopian University, legal aid service backed by universities is one of the modalities used by different countries in an attempt of providing legal service to the disadvantaged and the vulnerable (Ibid). Sometimes it is even argued that the emergence of legal is associated not with the previously discussed modalities rather it is the law students who started the provision of legal aid. Particularly, this way of starting the provision of legal aid was common in the US, both in the form of providing legal service for its own sake and providing legal service under the system of legal clinics whereby some credit hours are attached to the delivery of the service⁴.

And as such, currently because of its multifaceted advantages, the provision of legal aid under the auspices of the law schools in universities has been the common practice. However, the consistency and the effectiveness of this service has been determined by the availability or otherwise of funds reserved for this purpose by the universities and/or the availability of fund from other sources for the purpose of financing these activities of the students, who are helping the indigent and learning valuable lessons as they go about joining the reality on the ground as they graduate.

Coming to the university-based legal aid provision in Ethiopia, as we have

⁴...*Proceeding of the Panel Discussion on the Role of Law Schools in Improving Peoples' Right to Access to Justice* Organized by Ethiopian Lawyers' Association & Ethiopian Young Lawyers' Association Ghion Hotel, (May 15, 2015) p. 8.

mentioned in the preceding part of the paper, it was not Addis Ababa University that started the provision of legal aid as a program. It was Mekele University that has been the pioneer of providing legal aid in 2004. Mekele University School of Law Legal Aid Center (formerly known as the Mekelle University Law Faculty Legal Aid Center: MULF-LAC) is established under the auspice of Mekelle University to provide free legal service to the indigent and vulnerable members of the community (*The Mekele University Legal aid Proposal, 2015: p. 3*). During the initial period of the operation of the Centre, the financing institutions were foreign NGOs, namely: Open Society Justice Initiative (OSJI-Hungary) and Action Aid Ethiopia-Northern Region Office (AAE-NRO). The Center expanded its function by establishing a separate center called Prisoners Right Clinic (PRC), in 2007. The establishment and operational costs of the PRC was again covered by AAE-NRO. The AAE-NRO continued to cover the operational costs of the legal aid center and the PRC until December 2009 (Ibid).

One very pertinent experience from Mekele University legal aid operation is that following the withdrawal of the above funding institutions, the University, unlike many similar institutions did not let the operation struggle in providing the service because of the withdrawal of support by the institutions mentioned above, rather it has taken the initiative of providing finance from its own budget sustaining the operation (Ibid).

Following this, it was the turn of the Ethiopian Human Right Commission (EHRCO) to move around the Countries' major universities and empower financially the opening up and operation as many legal aid centers as possible (*Shiferaw & Mitiku, 2013: p. 79*). Mekele University legal aid centre was one of the beneficiaries of this grant. In similar fashion legal aid centers were opened up in Bahir Dar University, Gonder, Hawassa, Haromaya and all the major Universities in the Country (*Abate, Birhanu, & Alemayehu, 2017: p. 4*). That is why the writers underscored that "currently, all law schools selected for this research are running legal aid centers in their respective towns by involving students, academic staff, and employed lawyers. They provide legal aid services to the poor and vulnerable" (Ibid).

4.2. The Services Provided by the Centers

As things stand today, virtually all universities in the country with different capacity and skill run some sort of legal aid centers (*Ayalew, 2013: p. 126*). One of the most vital thing that has happened in the process of opening up all the legal centers to serve as legal aid clinics, the legal education reform swept through the universities in the country making it mandatory that students not only need to learn the theoretical aspects of the law, but some additional practically relevant experiences as well. As such, in the current legal education curriculum, there are a number of practice-oriented courses coupled with the clinical courses that need to be delivered by using legal clinics. And this is one of the most convenient forums that can also serve the purpose of the legal aid centers (*Tura, 2015:*

p. 33).

That being said, what are the major activities of these centers that are established at university levels that made them so relevant by all accounts? The university-based legal aid centers provide full-fledged legal service for the indigent section of the society. The Mekele Legal Proposal details out the undertaking that it engages in achieving its goals as “the center has been involved in different activities among others providing free legal aid service, advocacy, community legal literacy program, and different training to legal practitioners’ to strengthen the capacity of justice system” (*The Mekele University Legal Aid Proposal, 2015: p. 3*). The services of the centers extend to the commonly known part of the society as indigent, vulnerable and people living with HIV/AIDS. In this relation, Hawassa University legal aid proposal underlined that the beneficiaries of the service as “the target beneficiaries of the service are those groups which research shows are the most likely to suffer discrimination and be poor: women, children, prisoners, people living with HIV/AIDS, persons with disability and the elderly” (*Hawassa University, Free Legal Aid Service Program Proposal, 2017: p. 2*). As the principle guiding the delivery of the service, it has been argued that “the principles that underpin the rights advice service are that the service is free, confidential, impartial and independent...” (Ibid).

If we are to put these services in a bracket of activities, the following four major activities are identified. The first and most important thing that these centers do in the delivery of their service is proving legal advice. Advising clients in legal service plays a very important role. Sometimes, the advice comes in the form of giving a direction and helping the client where and how to get to some institutions. At other times, the advice might be vital by determining the existence or otherwise of a right that the client tries to pursue. As such, the legal aid services that are provided by these centers empower the client in decision-making on the matters that presented to them. The second type of service that is usually provided by the centers is the preparation of legal pleadings of various types. Legal litigation generally stems from applications that are drafted in certain particular forms that the courts would accept and entertain. These legal forms are not familiar let alone to the indigent and a generally illiterate section of the society but also to those elite members of the society who are not lawyers. And these centers provide these forms for those targets of the service based on the information provided by the clients themselves (*Tura, 2015: p. 32*).

The two remaining activities are important and demand additional knowledge and experts. This is because, following the preparation of pleadings, sometimes, the applicant cannot present his/her case to the court of law in an effective way due to lack of experience and absence of skills about the operation of the law (*Shiferaw & Mitiku, 2013: p. 6*). Therefore, when it is believed that the right of the applicant is in serious jeopardy, the legal aid center, based on the special advocacy licenses, would make the necessary representation to vindicate the right of the applicant (*Bloch, 2008: p. 118*). And finally, for the purpose of impacting

the general policy framework, legal aid centers may engage in advocacy activities. In this service, the centers would engage in advocating for the changing of some of the policies that the government follows depending on various training, workshops and other modalities that can be chosen by the centers from time to time (Loffredo, 2001: p. 177). Finally, the centers generally tend to serve the most disenfranchised members of the society and for that purpose; they usually require the applicant to show a pauper document produced by his/her closest administrative apparatus, i.e. the *kebele* (kebele is the lowest administrative structure followed in Ethiopia) social courts.

With regard to the types of cases these centers handle, so far, there is no distinction as to whether the case is of a civil or a criminal nature. As we have seen in the preceding parts, however, the centers focus on the issues that are important to the indigent section of the society. Following this pattern, if we detail out the cases that have been handled by the centers so far, civil matters tend to abound and land issues being the dominant matter over which disagreement is the frequent happening. Considering the fact that the majority of the country's population is an agrarian society, the frequency of land issue is what is logically expected.

One of the distinguishing features of this service across all the universities is the collaboration between various stakeholders like, the teachers, the students and sometime when finance allows it, the hired paralegals that provide service particularly in the rural areas where the students cannot easily access. Depending on the association that the university may have with other practicing lawyers, sometimes these lawyers may also be part of the delivery of the service (Tura, 2015: p. 34). This alliance makes the operation quite interesting if the necessary attention is paid to this service. This is because in the delivery of the service under the supervision of the professional teachers and lawyers we have mentioned above, the students can make access to justice quite commendable for many whose right to access to justice has been denied.

By doing so, the student will learn a lot in terms of understanding the reality on the ground as one purpose of the revision of the curriculum as we have mentioned above. If we push a bit the purpose of the students' participation in the legal aid service, one can easily see that in the delivery of the service students learn a lot about the social reality of their country. Frank S. Bloch outlines the importance of legal aid for the students in that "what makes clinical legal education a global phenomenon is the worldwide importance of its ultimate goal: preparing future lawyers for high-quality, ethical law practice grounded in a legal professionals dedicated to social justice" (Bloch, 2008: p. 115).

In terms of the competence of these students, depending on the service to be delivered, the requisite competency of the participants differs. For one thing, if the case can be concluded by providing advice and sometimes writing applications of minor relevance, the students can provide those services based on the special paralegals training that they receive before they embark on the provision of the service. Besides, the general practice is that students are selected on the

basis of their academic performance and the integrity they exhibit in the classes, which would allow them to grasp the basics of the law before the delivery of the service (Hawassa University, Free Legal Aid Service Program Proposal 2017: p. 6).

On top of that in the majority of the cases, the services sought by the clients in legal aid service are not that complicated in many of the legal aid in African. However, in situations where the legal service sought by the applicant is of a complicated sort, the students will be assisted by the law instructors that are put in place for the purpose of assisting the students in the delivery of the service. In addition, an actual practicing lawyer can be brought into the delivery of the service based on the *pro bono* service requirement that they need to produce in the event of renewing their licenses. The legal aid center at Hawassa University has been the beneficiary of this service for quite some time (Shiferaw & Mitiku, 2013: p. 79). Because of the above reasons, the competency of the legal aid providers is not a worrying matter so far although no one can argue for certain that the service delivered by these centers are free of defects at all times. This being the origin and nature of the service that is provided by the university-based legal aid centers; it seems that their service is being constrained by various problems that are crippling their operations because of lack of necessary attention. These challenges will be the major concern of the next section.

4.3. Major Problems Constraining the Operation of the Centers

1) Finance

One of the major challenges that the university-based legal aid centers face emanates from financial constraints that exists in these centers. The starting up of the majority of the legal aid centers in the universities across the country was associated with the financial support that was coming from the Ethiopian Human Rights Commission and the assumption, as far as the universities and law schools were concerned, was that their duty was to provide the physical infrastructure and the financial demand of the operation of the legal aid center was to be met continually by the Commission. However, the Commission, in the middle of the operation, announced that it no longer was able to continue to finance the operation of the centers significantly affecting the operation of the centers during the year of 2013's and 2014's. Some Universities like Mekele, Bahir Dar and Gonder had taken the initiative of passing over the cost of running the legal aid centers to their own annual budget (Shiferaw & Mitiku, 2013: p. 79), but things were not that easy for some of the Universities like Hawassa University.

The rest of these universities had to suspend their operation and/or had to limit their outreach centers to a very minimal number where they could run one or at maximum two centers with the least of capacity. This strategy continued until such time that their universities are convinced that this service is part of their community service duty which requires the institutions, as part of the gov-

ernment organ, to incorporate the budget in their annual cost outlay⁵. This negotiation with the university management could take a very long time undermining the activities of the center beyond what can be explained and frustrating the centers in general. Currently, it seems that although it has been one of the most grueling negotiations the legal aid centers have to undergo, in the majority of the universities it is a customary practice to set aside the amount that is allocated for the operation of the centers. And because of this practice legal aid centers receive some amount of regular budget from the treasury of their respective universities.

With this modest availability of fund, the existence of money has not been the major problem now. It rather is the way of making the effective use of the fund that has been a surmounting problem. Financial laws in Ethiopia seem quite tight when it comes to the operation of legal aid and the finance officer in charge of the allocation of the fund are not able and most of the time not willing to effect payment determined to be used by the higher officials of the university like university management. On a number of encounters the writer of this paper has with the legal aid coordinators from all over the country; the same problem has been the frequent subject of discussion.

As such, even if the fund is available in the budget section of the legal aid centers, since the accountants do not feel obligated to allow the fund to be used for the necessary purposes, the usual practice is that the fund will be returned without effecting the necessary payment to the students, supervising instructors and other paralegals that the centers employ from time to time. For some reasons, the finance officers in the universities have animated the belief that the service of legal aid centers is of auxiliary nature and does not justify the spending of the money and other resources at the disposal of the university⁶. This challenge is quite crippling, particularly when it comes to the transport allowance of students; because the daily allowance for students when they are out of campus and out of town is 50 *Birr* (*Birr* is the official name of the unit of currency used in Ethiopia) and the coordinators are required to pay the fraction of that sum if the operation is within the town and the students are able to return to their campus without sleeping overnight. It is easy to understand the discouraging effect that this arrangement has on the students whose transport allowance cannot be paid because of this bureaucratic red tape

2) Personnel

The operation of legal aid centers does not require a sophisticated facility and an over competent paralegal as we have seen in the preceding parts. As such, in the majority of the universities in the country, except very few legal aid centers

⁵Higher Education Proclamation no. 650/2009, 15th Year No. 64 Addis Ababa 17th September, 2009, Article 8(3) states as one of the responsibilities of the universities to “undertake and encourage relevant study, research, and *community services* in national and local priority areas and disseminate the findings as may be appropriate...” (emphasis added).

⁶Interview with Marshet Mohammed, Community Service Director, Wollaita Sodo University School of Law, May 18, 2018.

heavily funded by foreign sources, the delivery of legal aid service is conducted principally by the instructors, the students, and the law schools having a heavy hand in controlling and supervising the activities of these centers⁷. And as such, in the majority of the legal aid centers, service is provided with the least possible manpower both in terms of number and qualification. In some incidents, however, the legal aid service requires the assistance of some supporting staff who can handle the administrative wing of the service. For that purpose, in the majority of the cases, the legal centers' proposals include a list of administrative staff and the top management of the university still allows the salary that is allocated for that purpose.

The actual hiring process, nevertheless, has not been so convenient for the legal aid centers because the human resource directorates in these universities believe that the job description and profile that the centers require does not fit the already established practice of university staffing process⁸. The practice according to university personnel officials is that for the purpose of hiring someone as a permanent university employee, there must be some document which is in advance submitted to the Federal Civil Service and has been justified and permitted to hire. And this requires the developing of proposals that details out the job description and employment profile of every newly to be hired personnel under the legal aid centers well ahead of this application. This proposal should be taken to the office of the Federal Civil Service personally by one of the officials in the personnel department and defended by way of convincing the Ministry that the employment of the staff is crucial for the performance of the service by the centers⁹. There are some Universities that have gone through these processes and are able to hire staff as a permanent employee of the legal aid centers, but their number is quite few for the demanding nature of the endeavor and although they are successful in convincing the Ministry, the number they have been permitted to hire is much lower than what they requested¹⁰.

This practice has been hindering the hiring of the required personnel in the legal aid centers because of the following reasons. For one thing, because of the obvious absence of awareness on the parts of personnel officials about the relevance of the legal aid centers, they do not pay the necessary attention and follow the demanding route of traveling to the Ministry and convincing the same to permit the employment of these required personnel. Besides, although the employment process has been permitted, the Ministry, as we have seen above, tends

⁷... "Child Friendly Legal Aid in Africa" in Child Friendly Legal Aid in Africa , UNICEF and UNDP, UNDOC, 2011 p. 14, available at

https://www.unodc.org/documents/justice-and-prison-reform/Child_Friendly_Legal_Aid_in_Africa_UNICEF.UNDP.UNODC.en.pdf accessed on May 21, 2018. "Where lawyers are unavailable or unwilling to provide assistance to children in formal proceedings, the assistance of a trained non-lawyer is preferable to no assistance at all."

⁸Interview with Mekonnen Nigusie Asfaw, Community Service and Postgraduate Vice Dean in Debre Markos University School of Law, May 8, 2018.

⁹Interview with Birtukan Belay, the Hawassa University Personnel Directorate Hiring Section Official, May 8, 2018.

¹⁰Interview with Alem Abraha, Mekele University Legal aid Center Director, September 2017.

to reduce the number of these employees. On top of that, one salient thing the writer has observed during the various discussions he has had with the legal aid coordinators over the years is that not only did the personnel officials fail to follow the procedure we have seen above, but also the overwhelming numbers of these coordinators do not know what to do in the circumstances of hiring employees for legal aid service.

3) Institutional Set up

Finally, in the majority of the universities, legal aid centers have not been given the appropriate institutional setup that might solve some of the problems. Because of the absence of this institutional setup, the centers have suffered because of the lack of finance and personnel for supporting the operation of the legal aid. But the centers are also constrained significantly because of the absence of the recognition of the role that the law instructors play in coordinating, supervising and sometimes engaging in the actual delivery of the legal service when the matter is of a vital nature to the applicant.

The legal aid center staffs are discouraged because, for instance, in spite of the general practice that those individuals who assume additional burden to the teaching are recognized for their work in the form of top-up payments and credit hours considerations, the coordinators and supervisor in the center have never so far been the beneficiaries of these special entitlements. The absence of the above consideration has a serious impact on the motivation of any person in the service provision of the center though the center is voluntarily assumed for the benefit of the disadvantaged. This is true particularly if we are going to assume that the universities are providing legal aid service as part of their community service commitment and it is believed, as we have stated above, that the provision of the service in addition to helping the targets, but also teaches the students valuable lesson on their way to join the society.

5. Concluding Remarks

As we have seen in the preceding parts that the right to access to justice, despite its emphatic recognition both globally and nationally, its application in Ethiopia is in a very poor shape. Various factors have contributed to this below standard performance of the right when it comes to the country. The limited number of educational institutions providing legal training and the concomitant small lawyers club, the poor availability and inaccessibility of courts and a very limited availability of fund militated against the realization of the right. Besides, although the government has done the right thing in allowing all the formats in legal aid service rendering, since the legal aid provision in the country has not been given due attention to the level they deserve, their performance has been prejudiced by all forms of obstacles.

The university-based legal aid service has been the case in point in this paper. Their service is rather a new occurrence following the opening up of many universities in the country, however, during their short service delivery tenure, they have shown an immense potential in contributing to the alleviation of the prob-

lems related to access to justice in the country. This service is part of the curriculum of the law schools. It also is part of the community service duty of the universities and as such the students learn valuable lessons as they serve the community, both substantively and on a procedural track too. And the community of the poor, the indigent, the disadvantaged, women, and children, will also be served in the process of teaching our students. Therefore, it is the opinion of this writer that the necessary attention should be given to these centers in terms of addressing the demands for the proper regulatory framework that would solve the manacle these centers have been put in. The starting point can be addressing their financial need both in amount and usability. Recognition of their institutional and legal setup can solve these problems allowing them to do the purposes they have been established for.

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References

- (1950). *European Convention on Human Rights (ECHR)*.
- (1981). *African Charter on Human and Peoples Rights (ACHPR)*.
- (1995). *The Constitution of the Federal Democratic Republic of Ethiopia, (FDRE Const.) 1995, Federal NegaritGazzeta, Proc. No. 1/1995, No. 1.*
- (1998). *The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental.*
- (2006). *The UN Convention on the Rights of Persons with Disabilities.*
- (2009). *Higher Education Proclamation No. 650/2009, 15th Year No. 64 Addis Ababa 17th September.*
- (2017). *Interview with Alem Abraha, Mekele University Legal Aid Center Director.*
- (2018). *Interview with Birtukan Belay, the Hawassa University Personnel Directorate Hiring Section Official.*
- (2018). *Interview with Marshet Mohammed, Community Service Director, Wollaita Sodo University School of Law.*
- (2018). *Interview with Mekonnen Nigusie Asfaw, Community Service and Postgraduate Vice Dean in Debre Markos University School of Law.*
- Abate, M., Birhanu, A., & Alemayehu, M. (2017). Advancing Access to Justice for the Poor and Vulnerable through Legal Clinics in Ethiopia: Constraints and Opportunities. *Mizan Law Review*, 11, 1-31.
- ARC International (2005). *Gender-Based Violence Legal Aid: A Participatory Toolkit*. <http://www.endvavnow.org/uploads/browser/files/Gender-based%20Violence%20Legal%20Aid.pdf>
- Assefa, A. (2012). *Customary Laws in Ethiopia: A Need for Better Recognition? A Women's Rights Perspective*. Danish Institute for Human Rights (DihR). https://menneskeret.dk/files/media/dokumenter/udgivelser/ayalew_report_ok.pdf

- Ayalew, S. (2013). Synchronizing Legal Aid Services and Clinical Legal Education in Ethiopia. In K. Wolde (Ed.), *Assessment of Legal Aid in Ethiopia: A Research Report and Proceeding of the National Workshop of Legal Aid Providers*. Addis Ababa: University Center for Human Rights.
- Bloch Frank, S. (2008). Access to Justice and the Global Clinical Movement. *Journal of Law & Policy*, 28, 111-139.
- Brems, E. (2007). Ethiopia before the United Nations Treaty Monitoring Bodies. *Afrika Focus*, 20, 49-74.
- Cappelletti, M., & Garth, B. (1978). *Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective*. Articles by Maurer Faculty Paper 1142. <http://www.repository.law.indiana.edu/facpub/1142>
- Charities and Societies Proclamation (2009). *Proclamation No. 621/2009, Federal Negarit Gazeta, Year 15, No. 25, Arts. 2(2) and 14 (5)*.
- Enyew, E. (2014). *Ethiopian Customary Dispute Resolution Mechanisms Forms of Restorative Justice*. African Centre for the Construction Resolution of Disputes. <http://www.accord.org.za/ajcr-issues/%ef%bf%bcethiopian-customary-dispute-resolution-mechanisms/>
- Ethiopian Lawyers' Association & Ethiopian Young Lawyers' Association Ghion Hotel (2015). *Proceeding of the Panel Discussion on the Role of Law Schools in Improving Peoples' Right to Access to Justice*.
- Fantaye, W. G. (2014). The Role of Traditional and Informal Justice in Promoting Access to Criminal Justice: A Comparative Study of South Africa, Uganda and Ethiopia. In P. S. Toggia, T. F. Geraghty, & K. W. Jemaneh (Eds.), *Access to Justice in Ethiopia: Towards an Inventory of Issues*. Addis Ababa: Center for Human Right, Addis Ababa University.
- Federal Courts Advocates Licensing and Registration Proclamation No. 199/2000.*
- Federal Courts Advocates' Code of Conduct Regulations No. 57/1999.*
- Fiseha, A. (2011). Separation of Powers and Its Implications for the Judiciary in Ethiopia. *Journal of Eastern African Studies*, 5, 702-715.
- Fiseha, A. (2014). Improving Access to Justice through Harmonization of Formal and Customary Dispute Resolution Mechanisms (CDRMs). In P. S. Toggia, T. F. Geraghty, & K. W. Jemaneh (Eds.), *Access to Justice in Ethiopia: Towards an Inventory of Issues*. Addis Ababa: Center for Human Right, Addis Ababa University.
- Fleming, D. (2007). *Legal Aid and Human Rights*.
- Golub, S. (2004). *Forging the Future: Engaging Law Students and Young Lawyers in Public Service, Human Rights and Poverty Alleviation*. An Open Society Justice Initiative Issue Paper. <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/ForgingtheFuture.pdf>
- Hawassa University (2017). *Free Legal Aid Service Program Proposal*.
- Hayes, M. (2010). Access to Justice. *Studies: An Irish Quarterly Review*, 99, pages.
- Higgins, A. (2014). Legal Aid and Access to Justice in England and India. *National Law School of India Review*, 26, 13-30.
- Hurter, E. (2011). Access to Justice: To Dream the Impossible Dream? *The Comparative and International Law Journal of Southern Africa*, 44, 408-427.
- International Covenant on Civil and Political Rights Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, Entry into Force 23 March 1976.*

- Jemaneh, K. W. (2014). Reconsidering Access to Justice in Ethiopia: Towards a Human Rights Approach. In P. S. Toggia, T. F. Geraghty, & K. W. Jemaneh (Eds.), *Access to Justice in Ethiopia: Towards an Inventory of Issues*. Addis Ababa: Center for Human Right, Addis Ababa University.
- Krishnan et al. (2014). Grappling at the Grass Roots: Access to Justice in India's Lower Tier. *Harvard Human Rights Journal*, 27, 151-189.
- Loffredo, S. (2001). Poverty Law and Community Activism: Notes from a Law School Clinic. *University of Pennsylvania Law Review*, 150, 173-204.
- Metiku, G. (2015). *Access to Justice and Legal Aid in Ethiopia*. <https://www.abysinnialaw.com/blog-posts/item/1448-access-to-justice-and-legal-aid-in-ethiopia>
- Pankhurst, A., & Assefa, G. (2008). *Grass-Root Justice in Ethiopia*. The Contribution of Customary Dispute Resolution, Addis Ababa: United Printers.
- Rankin, M. B. (2011). *Access to Justice and the Institutional Limits of Independent Courts*. LLM Thesis, Toronto: Graduate Department of the Faculty of Law University of Toronto.
- Sackville, R. (2003). *Some Thoughts on Access to Justice*. Wellington: Victoria University of Wellington. <http://www.austlii.edu.au/au/journals/FedJSchol/2003/22.html>
- Shiferaw, A., & Mitiku, G. (2013). Assessment of Legal Aid in Ethiopia: A Research Report. In KokebeWolde (Ed.), *Assessment of Legal Aid in Ethiopia: A Research Report and Proceedings of the National Workshop of Legal Aid Providers*. Center for Human Rights, AAU.
- The Mekele University Legal Aid Proposal (2015). *Mekele University Proposal for Restructuring School of Law Legal Aid Center*.
- The World Bank (2004). *Ethiopia Legal and Judicial Sector Assessment* (p. 29). Washington DC. <http://www.worldbank.org>
- Tigray Regional Courts Advocate's License and Registration Proclamation No. 262/2007*.
- Tura, H. A. (2013). Indigent's Right to State Funded Legal Aid in Ethiopia. *International Human Rights Law Review*, 2, 120-150.
- Tura, H. A. (2015). Expanding and Sustaining Law School Legal Aid Clinics in Ethiopia: Lessons from Experience of Some Countries. In *The Role of Higher Education-Based Legal Advocacy and Research Centers in Enhancing Access to Justice and Effective Legal Education*. Mekele: Mekele University.
- UNICEF, UNDP, & UNDOC (2011). *Child Friendly Legal Aid in Africa*. https://www.unodc.org/documents/justice-and-prison-reform/Child_Friendly_Legal_Aid_in_Africa.UNICEF.UNDP.UNODC.en.pdf
- United Nations Development Programmes UNDP (2004). *Access to Justice Practice Note. Executive Summary*. http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruloflaw/access-to-justice-practice-note.html
- UNODC (2011). *Access to Legal aid in Criminal Justice System in Africa: Handbook*. https://www.unodc.org/documents/justice-and-prison-reform/surveylegal_aid_Africa_Ebook.pdf
- World Bank. *A Framework for Strengthening Access to Justice in Indonesia*. <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/A2JFrameworkEnglish.pdf>
- Zuckerman (1999). *Civil Justice in Crisis: Comparative Perspectives of Procedure*. Oxford: OUP.