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Scaling Access to Justice Research Collaboration

BRIEF 10:

**COMPARATIVE FINDINGS AND ANALYSIS ACROSS
COMMUNITY ADVICE OFFICES**

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ACRONYMS AND ABBREVIATIONS

ACQ	Case Study 2
AIDS	Auto-Immune Deficiency Syndrome
AULAI	Association of University Legal Aid Institutions
AWAT	Case Study 3
CAO	Community Advice Office
CAOSA	Centre for the Advancement for Community Advice Offices of South Africa
CBA	Cost-benefit Analysis
CBJS	Community-based Justice System
CBP	Community-based Paralegal
CBPR	Community-based Participatory Research
CCJD	Centre for Community Justice and Development
CCL	Case Study 9
CCMA	Commission for Conciliation, Mediation and Arbitration
CLAP	Case Study 1
CLRDC	Community Law and Rural Development Centre
COIDA	Compensation for Occupational Injuries and Diseases Act
DAO	Daliwe Advice Centre
DCS	Department of Correctional Services
DHA	Department of Home Affairs
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DoL	Department of Labour
DSD	Department of Social Development
E&SR	Economist and Senior Researcher
EPWP	Extended Public Works Program
FA	Finance Administrator
GBV	Gender-based Violence
ID	Identification Documents
IDRC	International Development Research Centre
IOM	International Organization for Migration
JRS	Jesuits Refugees Services

KZN	KwaZulu-Natal
LAOM	Case Study 6
LHR	Lawyers for Human Rights
MCAN	Case Study 10
MD	Managing Director
MSF	Médecins Sans Frontières
NADCAO	National Alliance for Development of CAOs
NGO	Non-governmental Organisation
NPO	Non-profit Organisation
OA1	Organisational Affiliate 1
OA2	Organisational Affiliate 2
OA3	Organisational Affiliate 3
OA4	Organisational Affiliate 4
OA5	Organisational Affiliate 5
OMO	Case Study 7
P4P	Pay for Performance
PBF	Performance based financing
PfR	Payment for Results
PI	Principal Investigator
RACB	Case Study 8
RBF	Results-based financing
RC	Research Coordinator
RCP	Refugee Child Project
RLT	Rural Legal Trust
RULAC	Rhodes University Law Clinic
SA	South Africa
SACC	South African Council of Churches
SANAC	South African National AIDS Council
SAPS	South African Police Services
SANCO	South African National Civic Organisation
SASSETA	Safety and Security Sector Education & Training Authority
SAULCA	South African University Law Clinic Association
SCAT	Social Change Assistance Trust
SCSA	Save the Children South Africa

SRCB	Case Study 4
SRCI	Case Study 5
SWEAT	Sex Worker Education and Advocacy Taskforce
UIF	Unemployment Insurance Fund
UKZN	University of KwaZulu-Natal
UK	United Kingdom
UN	United Nations
UNHRC	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
VE	Village Enterprise

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1 Introduction

Briefs 2-9 have explored the respective contexts of ten case studies along with the findings from secondary quantitative and primary qualitative data. The context was followed by the presentation of data from the organised data for this research, interviews with CBPs and focus groups of participants who received services at the ten research sites (CAOs).

This brief begins by comparatively analysing the quantitative data and outcomes from the ten case studies. It then compares the CBPs' responses to the lines of inquiry, followed by thematic CBPs, focus group, and organisational affiliates responses. This brief analyses the data collected in relation to the five objective of the study which are to conduct cost -benefit analysis of the ten CAOs participating in the study; develop any evidence -based arguments regarding financial and human capita sustainability for and appropriate regulation and institutionalisation of the CAO sector; investigate ways that CAOs and CBPs advance African ways of knowing justice and governance in furtherance of Sustainable Goal 16; establish the role of network governance by CAOs regarding facilitation of effective justice system; and determine how to empower the CBP voice from a focus on basic justice services delivery to articulation of CAO sector advocacy and reform. The comparative analysis is presented according to each objective of the study.

2 Research Objective 1: Conduct a cost-benefit analysis of the CAOs.

2.1 Structural and Financing models in the CAO sector

The study revealed a distinction between the structural and financing models used by the CAOs that participated in the study. It is thus helpful to define these separately in the sector. The structural model speaks to the formation, management, governance and operations of the CAO. On the other hand, the financing model relates to the funding of the activities for the CAOs. The study identified only two structural models for the participating CAO: the stand-alone and umbrella models. The stand-alone CAOs were found to be using a collection of different financing models, often combining stand-alone, intermediary, public, law clinic and CAO collaboration financing models to sustain their operations. The CAOs that were part of an umbrella structure also used an umbrella financing model. It was found that the legal advice service – the core business of the CAO – was often underfunded relative to other activities driven by the targeted interests of funders.

The sampled CAOs indicated that their work would be enhanced if all funding was provided to them directly and intermediaries were eliminated. The vision put forward by the DoJ&CD proposed in the draft policy (DoJ, 2020) of a coordinated fundraising initiative called the 'basket fund' model does not align with this, however. The proposal envisions that the basket would be funded through contributions from private and institutional donors and government entities and disbursed through intermediaries. The proposal also emphasises the need for the basket fund to be independent of the government and governed by a body representing CAOs across the country.

The evidence collected in this study demonstrates that CAOs can operate successfully as stand-alone entities. While the hybrid financing model can work effectively, CAOs need to be empowered through the development of the management, accountability and case management capacity required to solicit and manage funding. To reach and sustain all of the CAOs in the country, each of these models needs to be involved. We feel that in KwaZulu-Natal, the umbrella model is systematic in its operation which helps with stabilising, standardisation of operation and training. We suggest that all of the models should provide monthly salaries for paralegals, paid regularly and without interruption, which enable them to afford their basic household and family needs. This area has been neglected in the past. For example, some offices that receive funding from intermediaries and legal aid clinics do not have salaries. In general, it would be a great help if there was core funding that was guaranteed for at least

three years and that included salaries, travel, physical infrastructure, workshops for the community and internal development.

2.1.1 General findings of the structural and financing models in the CAO sector

- For the 10 case studies, two structural models were found to be in use in the CAO sector, stand-alone and umbrella models.
- None of the CAOs were found to be using the law clinic or intermediary model. Some CAOS had, however, received training support and visits from lawyers to assist clients whose cases required litigation from the law model. One case study is assisted by SCAT financially.
- Six financing models were found to be operational in the CAO sector namely, umbrella, stand alone, law clinic, intermediary, public finance and CAO collaboration.
- Except for CAOs under the umbrella financing model, it was most common for at least three different financing models to be used simultaneously. The CAOs using an umbrella structure also utilised an umbrella financing model.
- Overall, a single financing model could support the CAO sector. It was found that:
 - Government departments were the primary funders for outreach activities.
 - The National Lottery Commission was the only funder for infrastructure development.
 - AULAI Trust was the primary funder for Access to Justice, funding Mpumalanga Province only.

The following patterns in funding were noted:

- Funding tended to be tied to short-term contracts, with no guarantee of renewal for subsequent years.
- Some funding covered only six months of operations while requiring deliverables/reports over an entire year.
- Some funders allocated different amounts of funding to different CAOs with the same funding requirements.
- Some funders offered the same amount of funding every year despite the applications by CAOs indicating changes in activities and associated budgets.
- Funding was short term and not guaranteed in the next period.
- Some funders worked with organizations in only certain provinces.
- Those CAOs with greater influence and sophisticated fundraising skills were better positioned to secure funding.
- Most funders prioritized outreach activities over legal advice functions.

- Focus group participants proposed that mixed funding from different sources was preferable to relying solely on funding by the government or a single donor, leaving the CAO vulnerable to interference by the donor in their operations.
- All ten CAOs were seeking funding from the government.
- Paralegals preferred funding to be direct to the CAO, without the use of an intermediary.
- CBPs expressed the need for funding that guarantees their salaries/stipends for the whole year. All of the CBPs interviewed worked full time. They also incurred other costs in the course of their work, such as transport costs for home visits to clients who were unable to travel to the CAO.

2.2 Cost-Benefit Analysis

The quantitative analysis identified direct and indirect, tangible and intangible costs and benefits associated with the services offered by the CAOs. The computation of the CBA was based on the administrative data captured by each CAO for the period 2016-2018.

2.2.1 Results of the CBA

Table 1 Results from CBA for Case Study 1 (CLAP)

Total Benefits	R4 916 644,69
Total Costs	R4 032 842,40
Net Value	R420 733,62
Benefit Cost Ratio	0,82

CLAP had a positive net value for the period 2016-2018, showing that the service was worthwhile, although it had been operating at a loss (benefit-cost ratio less than 1). The finding suggests that the organisation's access to justice arm might not be sustainable.

Table 2 Results from CBA for Case Study 2 (ACQ)

Total Benefits	R25 958 422,64
Total Costs	R15 447 473,58
Net Value	R10 510 949,06

Benefit-Cost Ratio	1,68
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From the cost-benefit analysis, ACQ produced a net value over the period 2016-2018 of R10 510 949,06; and a benefit-cost ratio of 1,68, indicating that ACQ was a viable office and worth financial investment and support.

Table 3 Results from CBA for Case Study 3 (AWAT)

Total Benefits	R9 184 391,02
Total Costs	R7 708 727,65
Net Value	R1 475 663,36
Benefit-Cost Ratio	1,19

From the cost-benefit analysis, AWAT produced a net value for the period 2016-2018 of R1 475 663,36 and a benefit-cost ratio of 1,19, indicating that AWAT is a viable office and worth financial investment and support.

Table 4 Results from CBA for Case Study 4 (SRCB)

Total Benefits	R8 423 495,63
Total Costs	R778 815,40
Net Value	R7 644 680,23
Benefit Cost Ratio	10,82

From the cost-benefit analysis, SRCB produced a net value over the period 2016-2018 of R7 644 680,23; and a benefit-cost ratio of 10,82, indicating that SRCB is a very viable office and worth financial investment and support.

Table 5 Results from CBA for Case Study 5 (SRCI)

Total Benefits	R5 166 931,47
Total Costs	R856 824,57
Net Value	R4 310 106,90
Benefit Cost Ratio	6,03

From the cost-benefit analysis, SRCI produced a net value over the period 2016-2018 of R4 310 106,60; and a benefit-cost ratio of 6,03, indicating that SRCI was a viable office and worth financial investment and support.

Table 6 Results from CBA for Case Study 6 (LAOM)

Total Benefits	R4 447 227,13
Total Costs	R2 808 273,22
Net Value	R1 638 953,91
Benefit-Cost Ratio	1,58

From the cost-benefit analysis, LAOM produced a net value over the period 2016-2018 of R1 638 953,91; and a benefit-cost ratio of 1,58, indicating that LAOM was a viable office and worth financial investment and support.

Table 7 Results from CBA for Case Study 7 (OMO)

Total Benefits	R6 382 456,27
Total Costs	R5 255 060,01
Net Value	R1 127 396,26
Benefit-Cost Ratio	1,21

From the cost-benefit analysis, OMO produced a net value over the period 2016-2018 of R1 127 396,26 and a benefit-cost ratio of 1,21, indicating that OMO was a viable office and worth financial investment and support.

Table 8 Results from CBA for Case Study 8 (RACB)

Total Benefits	R3 965 186,58
Total Costs	R2 309 667,46
Net Value	R1 655 519,12
Benefit-Cost Ratio	1,72

The cost-benefit analysis showed that RACB produced a net value over the period 2016-2018 of R1 655 519,12 and a benefit-cost ratio of 1,72, indicating that RACB was a viable office and worth financial investment and support.

Table 9 Results from CBA for Case Study 9 (CCL)

Total Benefits	R4 586 757,39
Total Costs	R6 661 676,52
Net Value	-R2 074 919,13
Benefit-Cost Ratio	0,69

From the cost-benefit analysis, CCL produced a net value over the period 2016-2018 of -R2 074 919,13; and a benefit-cost ratio of 0,69, indicating that CCL suffered a loss over the period 2016-2018. In addition, the benefit cost ratio suggests that operations over the same period were not viable and were unsustainable.

Table 10 Results from CBA for Case Study 10 (MCAN)

Total Benefits	R8 938 213,42
Total Costs	R5 125 861,10
Net Value	R3 812 352,31
Benefit Cost Ratio	1,74

From the cost-benefit analysis, MCAN produced a net value over the period 2016-2018 of R3 812 352,31 and a benefit-cost ratio of 1,74, indicating that MCAN was a viable office and worth financial investment and support.

2.2.2 Summary of Cost Benefit Analysis findings

- The highest aggregate benefits were found at case study 2. These were derived mainly from the direct tangible benefits (funder-NACOSA) and direct intangible benefits (government cost saving from the eight offices housed under case study 2).
- There were fairly high aggregate benefits for case study 3 and case study 10. These were driven by the direct intangible benefits (government cost saving) and indirect intangible benefits to the service recipients.
- There were relatively high aggregate benefits for case study 4. these were mainly from the tangible benefit to service recipients of facilitation of payments.

- There was no record of facilitation of payments by case study 1, case study 2, case study 3, case study 6, case study 8, and case study 10.
- Case study 4 and case study 5 had the lowest aggregate costs. Their offices were housed at police stations and they only paid for their day-to-day office costs.
- Direct tangible costs exceeded direct tangible benefits for case study 2, case study 3, case study 9, and case study 10. it was not clear how they financed the difference. A common feature among these centres, though, was that they hired accountants to do their audit reports.
- There was a Positive Net Value for all centres except case study 9.
- case study 9 was the only CAO that recorded a negative NV due to the high direct tangible costs not being balanced with an equivalent income.
- Benefit-Cost Ratios were above 1 for 8 out of 10 Centres. The services of the CAO were thus found to be viable and providing a net economic benefit to society.
- case study 4 and case study 5 had the highest BCR; both were under an umbrella financing structure. The umbrella financing structure appeared to be more effective than the mixed structure that the other centres used.
- case study 1 and case study 9 had a BCR below 1, suggesting that while their operations were viable, there was a high risk of becoming unsustainable.
- Funding opportunities were not balanced across provinces and different activities (see table 25 below). CAOs in the Free State received the most funding, while those in KwaZulu-Natal – which were only funded for access to justice through an umbrella (CCJD) – received the least.

Table 11 Summary of funding opportunities across provinces and activities

CAO	CLAP	AWAT	ACQ	SRCB	SRCI	LAOM	OMO	RACB	CCL	MCAN
Outreach Activities (R)	1 992 296	2 647 268	2 642 826	0	0	207 000	1 734 600	963 100	1 265 900	1 164 456
Access to Justice (R)	263 159	101 200	658 074	297 7634	387 021	470 000	333 000	200 883	309 167	115 000
Donations/ Others (R)	734	0	0	0	0		33 417	0	0	
Infrastructure Development	52 793	584 125	533 210	0	0	0	424 950		0	872 400
CAO collaboration (R)			4 822 920							
TOTAL (R)	2 308 982	3 332 593	8 657 031	297 763	387 021	677 000	2 525 967	1 163 983	1 575 067	2 151 856

- While the core business of a CAO is access to justice, this aspect of their work was often poorly funded, with most funding allocated to outreach activities.
- Estimated government cost saving from the 10 CAOs over the three years is shown in Table 12.

Table 12 Government cost saving (in Rands)

	<i>2016</i>	<i>2017</i>	<i>2018</i>
<i>CASE STUDY 1</i>	360 969,47	388 139,22	417 354,00
<i>CASE STUDY 2</i>	2 441 677,57	2 625 459,75	2 823 075,00
<i>CASE STUDY 3</i>	1 237 754,07	1 330 918,35	1 431 095,00
<i>CASE STUDY 4</i>	808 163,42	868 992,93	934 401,00
<i>CASE STUDY 5</i>	1 108 253,45	1 191 670,38	1 281 366,00
<i>CASE STUDY 6</i>	937 664,04	1 008 240,90	1 084 130,00
<i>CASE STUDY 7</i>	1 037 125,81	1 115 189,04	1 199 128,00
<i>CASE STUDY 8</i>	808 163,42	868 992,93	934 401,00
<i>CASE STUDY 9</i>	808 163,42	868 992,93	934 401,00
<i>CASE STUDY 10</i>	1 237 754,07	1 330 918,35	1 431 095,00
<i>Total</i>	10 785 688,74	11 597 514,78	12 470 446,00

Estimated costs saved by service recipients over the three years is shown in Table 13.

Table 13 Costs saved by service recipients (in Rands), 2016-2018

CAO	2016	2017	2018
CASE STUDY 1	1 188 498,47	1 451 357,22	1 900 049,00
CASE STUDY 2	1 136 112,00	680 472,00	776 381,00
CASE STUDY 3	571 300,00	824 205,00	456 525,00
CASE STUDY 4	328 957,56	251 876,10	221 240,00
CASE STUDY 5	220 053,54	322 636,60	433 640,00
CASE STUDY 6	379 689,74	200 427,45	160 075,00
CASE STUDY 7	175 791,65	100 758,85	228 495,00
CASE STUDY 8	37 155,69	41 290,20	111 200,00
CASE STUDY 9	231 206,44	558 141,60	235 725,00
CASE STUDY 10	948 530,00	1 053 080,00	784 980,00
Total for 10 CAOs	5 217 295,09	5 484 245,02	5 308 310,00

Overall, the results reported above for the 10 CAOs show that the highest costs of the services of CAOs are the direct intangible costs incurred by the CAOs in the form of the ‘opportunity cost of foregone income’. The most significant benefit is the indirect intangible benefit accruing to the clients in the form of ‘individual cost savings’ and ‘willingness to pay’. Nine out of ten CAOs recorded positive Net Value (summation of tangible and intangible benefits is greater than the summation of tangible and intangible costs) over 2016-2018. Case Study 9 is the only office with a negative Net Value. Eight out of 10 CAOs had a Benefit-Cost Ratio greater than one, attesting to the fact that CAOs are viable. Of the eight, only two (case study 4 and Case Study 5) ratios are greater than two. KwaZulu-Natal offices which already had a functional database and case management system at the time of research inception had the highest Benefit-Cost Ratio. Case Study 9 and Case Study 1 had a Benefit-Cost Ratio below one, possibly because of incomplete records. The high benefit-cost ratio in KwaZulu-Natal offices can also be attributed to the structural and financing model used by the two CAOs. In research brief 3, it was concluded that the stand-alone CAOs were funded from a mixture of stand-alone, public, intermediary and rent-a-CAO financing models whilst KwaZulu-Natal CAOs used umbrella financing. The financing mechanisms for stand-alone CAOs can limit the scope of their work as their time is divided between doing the actual work and applying for funding. On the other hand, CAOs under the umbrella structure

could have possibly reported a higher benefit-cost ratio as they spent more time doing the actual work of a community paralegal and not worrying about applying for funds.

Leandra is the one CAO that showed a negative NPV. Both tangible and intangible costs exceed the benefits and this flags concern. Notable also is that the direct tangible costs exceeded direct tangible benefits for case study 10, case study 3 and case study 2, although their NPV is positive. It is not clear how they finance the difference.

The findings of the quantitative analysis were complemented with the results of the qualitative analysis. The focus group interviews identified numerous intangible costs and benefits which were not quantified in the CBA. However, this does not take away from the findings of the quantitative analysis that CAOs are viable organisations that need financial support for them to be sustainable. The case narrative analysis also identified social and lifestyle impacts that were not quantified in the CBA. As much as the services offered by community-based paralegals are free, they bring numerous tangible and intangible costs and benefits and the benefits out way the costs.

2.3 Case Management Strategies of CAOs

- Two case management systems were prevalent among the sampled CAOs; namely, paper based and database systems.
- For all ten CAOs, paper systems were used on a day to day basis. Case study 4 and 5 complimented the paper system with the database networked with the umbrella organisation they operate under.
- The CAOs using the stand-alone structural model (combined with the mixed financing model) were under-resourced in terms of the ratio of computers to employees, compared to CAOs using an umbrella structure (combined with umbrella funding).
- The CAOs that used the umbrella model were networked to a centralized database housed and managed by staff at the parent organisation.
- Case study 4 and 5 under the umbrella financing model used an electronic case management system and were mandated to capture all new cases and update ongoing cases into a database system linked to their head office. Evidence of activity was crucial to justify their expenditure on salaries. The other CAO expressed their willingness to fully document their activities if they could be properly remunerated for their role in the community.
- While case study 10 relied heavily on a paper system guided by the templates received from the funders, the administrator created an electronic data capturing tool that the organisation uses to track numbers of cases. The tool captures basic information with no details of the case and its progression.

Comparative findings: The study's major finding is that the CMS used by CAOs under a stand-alone structure is different from that used by those under an umbrella structure. Stand-alone CAOs use the manual paper system complemented with templates from the different funders they will be working with that season. On record, they have biographies of clients visiting their offices and summary statistics of different activities they would have engaged in. The major shortfall is that they fail to adequately capture the stories and processes they undertake to resolve their client's issues. Umbrella CAOs, on the other hand, work with an electronic database with structured templates to capture every case that comes to the office.

2.4 CAO functionality

The CAO sector is a very functional in the under-privileged communities. Results of the survey analysis showed that their role and function in the communities is not fully documented because of the case management strategies they use.

- There is no evidence to suggest that CAOs under umbrella financing model outperform those under stand-alone financing model.
- Most of the CBPs are operating without accredited qualifications. However, they have undergone some form of paralegal training to which a certificate of attendance was obtained.
- The case management systems, which is mostly paper-based. All ten CAO used paper-based system. Case study 4 and 5 compliment with an electronic database case management system.
- Incomplete records were noted at the stand-alone CAOs.
- The absence of reference numbers for some handwritten case files at some of the CAOs means the activities of the CBP on the case cannot be tracked and updated.
- All CAOs had cases that were still unclosed because they had not been followed up.
- Each of the 10 CAOs had at least one functional computer in the director's office.

Comparative findings: CAOs need to employ effective case management strategies for accountability purposes; to facilitate the delivery of high-quality justice services, requiring appropriate action and referral; and to generate evidence to drive reform and policy development in the sector. Section 21.2.4 of the draft bill regarding the CAO sector in South Africa requires CAOs to submit case statistics annually to the governing council (to be established by the pending bill), which will have jurisdiction over the CAOs (Ruffin, et al., 2018). This means that case management systems must be rigorous, reliable and continuously upgraded.

Case management systems have evolved with the technological developments that have come about in recent years. They have become more user-friendly and are capable of efficiently handling large amounts of client and case data. This supports the effective delivery of justice services as well as transparency, accountability, and access to information, all of which are required for sound public administration and reporting to the donors that support the work of the CAOs (Ruffin et al., 2018).

In this study, case management strategies were found to vary across the CAO structural models, reflecting differences in training in data capturing, finances, access to technology, and human resources. Despite technological advancements, many CAOs continue to rely on basic paper-based systems. Furthermore, a considerable amount of the work achieved by the CAOs goes undocumented.

The study found that the CAOs with a stand-alone structure approached case management differently than those under an umbrella structure. Stand-alone CAOs used paper-based systems, complemented with templates from the different funders they were partnering with. They recorded biographs of clients visiting their offices and generated summary statistics for the various activities they engaged in. The major shortfall of their approach, however, was that they failed to adequately capture the narratives and processes involved in resolving cases. The two CAOs working within an umbrella structure, on the other hand, work used an electronic database with structured templates to capture every case that came to the office.

While the stand-alone CAOs had access to at least one computer, they did not have the skills to run an electronic system. Using a manual system compromised their functionality as substantial time has to be spent manually recording and updating cases instead of assisting clients. The documentation they did collect, however, provides evidence of the impact of the CAO in the community.

3 Research Objective 2: Develop evidence-based financial and human capital sustainability arguments for the CAO sector's appropriate regulation and institutionalisation.

This section discusses the perceptions of community-based paralegals and service recipients on recognition, regulation, and institutionalisation of the CAO, perceptions of organisational affiliates perceptions as well as what kind of statutory recognition and regulation will be appropriate for CBPs in CAOs. The participants agreed with the perceptions noted below.

3.1 Comparative Analysis of CBPs and Service recipients Perspectives on Statutory Recognition , Regulation and institutionalisation

3.1.1 Recognition of CAOs and Financial Sustainability

Thematic response 1: Recognition may offer financial stability for the CBPs' work and the CAOs sector.

Thematic response 2: Recognition will increase interest, financial support and better understanding of the work done at CAOs by CBPs.

We want to be acknowledged and recognised that we are part of the legal value chain.

Paralegals have been around for a long time; recognition is good and necessary. We want recognition from government so they can assist with our work environment, office space, and other infrastructure requirements.

So *akiri*, (meaning you know) our fight for recognition was not based on falling under the Department of Social Development, or falling under DOJ: our recognition was to be recognised like the nursing assistance or auxiliary social workers. They have a recognition body like the attorneys have a recognition body; the accountants have a recognition body. So we paralegals we need to be recognised and also have the recognition body. We must be bound by the laws of that body but not to be under government.

Recognition is necessary for the sector. We need personal recognition as community workers. CBPs have compassion for communities. It gives satisfaction to have solved a case. Recognition within the justice sector would be good. DOJ is dismissive of CBPs because they are not lawyers. CBPs solve issues at a lower level before they escalate. A simple letter of recognition from the Minister of Justice would be sufficient for CBPs to get recognition within the sector. And more people will get to know and understand our work.

We fought; we need recognition. When the clients come through they want to know whether you are recognised or not. So what can we do?

Recognition will give us the right to stand. Not being recognised disadvantages our community because we have to rely on Legal Aid SA.
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All the CBPs mentioned that they attend to matters that have not been brought to court because not everyone wants litigation. Furthermore, all the CBP stated that they promote awareness of rights in rural communities. Some service recipients mentioned that they got to know about the services offered by CBPs in CAOs at the workshop they attended. CBPs conduct awareness raising workshops for community members to know and claim their rights and such have increased awareness of rights to disadvantaged groups. This is one of the major roles played by CBPs, promoting access to justice. Weilenman (2007:89,) concludes that “instead of advancing one set of laws over another”, all justice systems should be recognised for the unique role they play in different communities.

Finding: Their role they play is a compelling reason for recognition and for the sustainability of their services offered for free to poor community members

3.1.2 Recognition of CAOs Financial and Human Capital

Thematic response 1: Recognition May provide job security for CBPs in terms of salaries.

The government must pay their salary but let the CAO continue operating the way they have been.. This how they should be recognised

Paralegals are not well compensated; they need a better salary.

We want them to get salaries.

It is a pity we are poor clients who cannot pay for services. But at the same time, we recognise the financial needs of CAOs.

If recognition is going to help them to get financial support from government, we will be happy. It means their office will not close and they will continue to help us.
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If recognition is going to help them to get financial support from government, we will be happy. It means their office will not close and they will continue to help us.

Government must fund them for sustainability without changing how they work., they are recognised by their clients

The flexibility, simplicity and the speedy resolution of the problem are the most remarkable features of the CBP led community-based justice system and . Ubink and Van Rooij (2010) concur that flexibility and negotiability facilitate access to justice for members of historically marginalised communities. Community-based justice system is a living law that governs daily life in a local community and is inherently dynamic.

Finding: Any strategy to extend access to justice needs to take greater account of CAO/CBPs led community-based justice system.

3.1.3 Recognition of CAOs financial and Human Capital

Thematic response 1: Recognition should not introduce restrictions and interference or force change

Thematic response 2 There is already recognition by stakeholders, communities and clients.

Some of the paralegals believe that if we can get recognition it will mean that paralegals will get salaries. And that is something that is not easily going to happen anytime soon. The government is not going to pay salaries anytime soon for people that are working in advice offices

he issue of recognition has been discussed a lot by the Department of Justice. Based on when these talks began those plans should be operational by now.

We have met with CAOSA, as well as the Foundation for Human Rights. When we were together, we spoke about issues of finances and spoke about the role of the Department of Justice in the recognition of the CAOs. There is nothing tangible being offered as a result of recognition.

Recognition will bring restrictions; they will tell us that we are too old.

I think service provision will not be the same with formal recognition. it will change, because the Department of Justice will not operate like we are doing. The Department of Justice will come with its own ways of doing the work and reporting.

The bad thing about it is that those people that are working seem as though they don't have interest in what we are doing. They don't even understand our expenses so that they understand when we motivate them that we need more funding. That is the bad thing about Public Finance.

What I want to emphasize is that it is an opinion by some that paralegals are not recognised, we recognise this office. What kind of recognition is required? We are confused.

We are recognised because we are an NPO and we are a community-based organisation in the community. Even the community recognises us: they know us.

With recognition: we are recognised by government word of mouth. We require formal recognition.

Thematic response 1 :There is already recognition by stakeholders, communities and clients.

But can't they continue and be independent? I think they *are* recognised – because we are referred to the office by other institutions.

Paralegals are recognised here. They are even doing the job of other departments – such as DSD and the courts.

The office is recognised by the community because they help us properly. The fact that this office exists means that there is a gap in service delivery.

Paralegals have integrity; they care for people. [My view is] no government intervention: they work the right way. We are confused with the question of recognition: we thought they are recognised by government.

I was thinking and under the impression that she works under government and it pays her. And the services are free because we come here looking for help and we don't pay. Does government not recognise this office? They always refer people here.

The communities, the police, DSD and the municipality recognise the office. I would say let her remain independent and continue the way she is operating.

Because they are busy doing their own things, the office must be left alone. It is recognised by us.

The service recipients seem to be confused with the terminology of statutory recognition. The service recipients' perspective is that as clients of CAOs, they recognise the CBPs, and the stakeholders also recognise them as they are referred to the CAOs by the Government service providers. They voiced that Government recognition must be accompanied by funding but no interference or control of their operations. They are proposing a mixed funding mechanism from Donors, Government grants and community donations

Finding: Statutory recognition of the CAO may create stability and security of employment for those working at CAOs.

3.1.4 Regulation of CAOs Human and Financial Sustainability

Thematic Response 1: Regulation may offers structure and financial stability to the CAOs sector

Thematic Response 2: Regulation will protect communities against fly-by-night paralegal services

Thematic Response 3: Regulation will bring quality control, accountability, monitoring and evaluation

Thematic Response 4: Regulation will bring the institutionalisation of the CAO sector

Thematic Response 5: Regulation will address the succession issue

Thematic Response 6: Regulation offers opportunity to acquire a qualification

Thematic Response 7: Regulation offers affirmation, legitimacy and professionalism

Regulation is good: with salaries it will attract people to come work at the CAO and move beyond being volunteers. We must belong to a department in government. This will assist with terms of employment, benefits will be uniform, uniform standards of operation, rules and regulations and will financially stabilize the CAO sector.

It will be a good thing to regulate the sector because things will be in order. That regulation will bring structure and finance in the sector.

Regulation will provide financial stability to the sector.

We have got the South African Legal Aid Board: they are regulated, the government gives them money, Rena (us) we are depending on donor funding. We are accountable to our donors. And to be accountable to government means there must be regulation that goes with funding.

The law makers are supposed to regulate us. Remember: we cannot regulate ourselves; we cannot. The lawmakers are failing us.

We want to be regulated by the act. If you are regulated, then you can be institutionalised. You cannot institutionalise us until we are regulated. There must be regulation which guides who are we; and what is going to happen.

Immediately we are regulated, we will put our house in order. Some people have even tried to open cases against us. That's why I am saying if we are regulated the rest will fall into place. This will put an end to people studying us: now we are a tool people use to study for their own benefit.

In other places anyone can wake up and say, 'I'm a community -based paralegal,' and charge people money for their own interests. So the sector needs to be regulated according to law.

The sector needs regulation; we need regulation. The fidelity fund protects lawyers. We need a fund to protect paralegals. We need insurance first, then regulation will follow. The difference between community-based paralegals and commercial-based paralegals is that CBPs are not regulated. CBPs can't charge people money because of NPO regulations – they are not supposed to make profit – but commercial-based paralegals can charge because of differing mandates. Additionally, the fund will protect community members against CBPs' unprofessional conduct.

You know that the government regulated the paramedics; they regulated the auxiliary social workers. How about the work of this office? They did this to protect the community.

We are enjoying this comfort zone of not accounting. But it doesn't not take us anywhere and the end of the day, if we are regulated, it will be a wake-up call for us.

We are saying: whatever we are doing it must be regulated; everybody must account. With regulation, you have to account. Without regulation, you cannot tell me, 'Where is your report?', 'Who are you?'. I am not working for you.

Regulation is okay if it can add value to the work that we are doing. They must not take away who we are, or our identity, because they financially support us.
This will help deal with situations where when the founder of the CAO is deceased you find that office closes.
Institutionalisation will help with qualifications, help resolution of cases, add value to the work we do and how we do it. It will help us paralegals.
We must be regulated like other professionals, considering the work we do.
The first problem we talk about it is regulation. People take advantage of us; people must understand that is the reason we want to be regulated. We want to be regulated according to the law, then we can talk other issues. That's what we are saying.
So if we are regulated and given the funds that can sustain us – sustain the staff members' salaries actually – then I will be happy and say, 'Yes, this is going to assist this office not to die'. Hence, we see that people are leaving. You know, I was telling you about this lady who just left us. If we had money she would not have left.

CAOs are registered as NPO under the NPO act , 1997 . In addition to complying with donor requirements, most CAOs must also meet the requirements of the NPO Act. CAOs struggles with burdensome regulatory requirements. And this impact on their fundraising effort.

There are several reasons advanced by supporters of CBPs why they should be accorded regulation. One of the reasons is lack of succession plan in the CAO sector. CBPs are of the opinion that the regulation of the CAO sector would allow for procedures and systems to be instituted to ensure the continuity of CAO services after their founders or leaders left their organisations. The researchers observed this problem in that we could not proceed with the research after one of the founding members died. Those who were left struggle to continue to run the office. We could sense that the death of their founding member did not prepare them to take over and run the CAO.

According to the draft policy (2020) regulation will also contribute to developing standardized procedures and systems (e.g. case management or case referral systems) that would assist the sector

with case registration, case tracking and referrals. The standardized procedures and systems are not aimed at infringing upon the independence and flexibility of the CAO sector, but rather at improving and facilitating their work. The policy draft indicates that instituting minimum standards for the CAO sector and community-based paralegals is aimed at protecting the general public against poor service delivery and ensuring that CAOs provide quality services that are transparent, accountable and needed. In this regard, as observed by many participants during consultations, the professionalization and formalization of the sector, particularly the establishment of minimum standards, would also prevent rogue CAOs from mushrooming.

CBPs and service recipients are of the view that individuals to whom services are rendered should be able to hold both the CAOs and community-based paralegals accountable for the poor quality of services and any attempted or actual abuse of power, violation of rights or failure to follow standard procedures. The community complaint mechanism should be established under the future legislation to enable any aggravated party to file a complaint against the community-based paralegal who handled his/her case or the CAO at which the paralegal works for ordering a violation or failing to take necessary measures to prevent a rights violation.

Finding: The sector should be regulated to protect their clients against corruption and abuse

3.1.5 Regulation of CAOs Human Capital and Financial Sustainability

Thematic Response 1: Regulation offers structure and financial stability to the CAOs sector

Thematic Response 2: Regulation is needed for the purpose of salaries and other benefits,

If the government were to take over these CAOs , CBPs will get salaries because, as you know right now, they live off donations. And, as you know, NPOs survive on donations and sometimes they are there and most times they are not. Remember that paralegals also have families that they have to feed. So if they were to go under government, they would get salaries.

As I am saying I really like the good service that they are doing. Why I am saying that is because they are doing it with care and a passion to help those who are vulnerable. So, we think the office needs to be regulated and given funding to reach more people.

I agree: when they are regulated then they will have resources to hire interpreters for when they have clients who can't speak local languages.
This office is accounting to their own donors, because they are putting bread on the table. And I also say: if there is regulation coming in now, let them also put bread on the table for the work which they are doing for the communities. Communities belong to the government.
If regulated, CAOs must be allowed to operate the same way.
I support regulation that comes with salaries for paralegals to support themselves and their children. Paralegals have financial needs and they work hard.
I can say they be regulated if the government will pay their salaries.
According to my understanding, I can see why there is a movement to get these people under government control. Because, at the end of the day, they need to get paid and provide for their families. But what I'm asking is that this system should not change.
They should be institutionalised and be part of government. Government is rotten. Paralegals will make changes in government.
I say let her be the one who decides where she will feel more comfortable.

The government has acknowledged that the sector need financial sustainability and if government is to fund the CAOs there is need to regulate sector. The draft policy reiterated this fact and stated that, CAOs regulation is an important step on their route to financial sustainability. A comprehensive model of funding for the CAO sector will be impossible unless preceded by a formal regulation of the CAO sector. In this regard, the regulation is a pre-requisite for any subsequent funding model envisaged by the government as it creates compliance, standard and integrity requirements, which in turn ensure accountability. Similarly, donors of CAOs have been demanding the regulation of the CAO sector in order to mitigate certain risks linked with funding CAOs directly.

Finding : The CAO sector be regulated for sustainability and growth

3.1.6 Regulation of CAOs Human Capital and Financial Sustainability

Thematic Response 1: Regulation may introduce restrictions and interference and bring change to CAOs

Thematic Response 2: Regulation should not compromise the independence of CBPs and CAOs

Thematic Response 5: Regulation offers affirmation, legitimacy and professionalism

If the financial situation was to be improved and I earn to my satisfaction, I would be more than happy to remain working in the way we are currently working. I would say I am happy here and let those who want to go to government do so.

I am not sure whether the rules will come from the Department of Justice (DOJ). However, I will be happy if the sector can be regulated because maybe the benefits may be more that what we are getting currently. For example, we can get increment every year when working for government, yet with NPO there is no money and no increment. Financial security is the issue.

When I started this paralegal course, I did it because of the fear of regulation that is coming.

They will require a certain qualification with regulation. It means we are going to lose our jobs, because if they want an accredited certificate and you do not have it, they will put somebody else.

The government will get rid of some paralegals saying they are too old or not educated enough.

The government will bring young people to the CAO, saying we are old. The CAO work require maturity. Young people require grooming.

I have worked in this sector for many years, it is now in my blood. There might be certain changes and new things which I had never done before. I am afraid about the changes and how things will be.

The only thing that they want: they want not to be under government. And, even myself, to work under government, to me it will be a difficult thing. Because when I reach sixty years I will be taken

away; but I never benefited or accumulated anything. I don't have a pension fund; I do not have things.
We need our independence. Government must not change the way we work as CAOs
With institutionalisation, CAOs must have their own unit – remain independent but regulated by government. Paralegals must give advice in terms of understanding and knowledge of cases on the ground
Regulation is important. It is going to professionalise the offices and the people who work in it. But what is holding us back is this internal politics which involves individuals amongst ourselves. How do we get rid of that so that we move forward? You said we are now operating in the dark.
Social Development refers cases that they are unable to deal with – which means that we are a dumping site. With institutionalisation we will be a dumping site.

Narrative figure x shows comparative counter-arguments among CBPs – often with the same CBP weighing the factors on each side of the question as to whether CBPs in CAOs should be recognised. There is a concern that working for the state will limit their flexibility and wide range of tools to assist service recipients. Similarly, focus groups are concerned regulation might undermine the vibrancy and dynamism of the paralegal and their alternative approach to justice.

Finding: Regulation will bring rigid processes to the CAO sector

The other reason cited by CBP is lack of proper oversight of CBP because they are not governed by any regulation. Some CAOs support recognition due to its funding implications. The CBPs perspective is similar to that of service recipients regarding salaries and benefits. In addition, they believe the regulation must be 'by' paralegals 'for' paralegal spearheaded by CAOSA. The process so far does not satisfy or meet the needs of current practitioners. Others have misgivings about regulation for fear of being eliminated from the sector because of age and qualifications.

One participant mentioned that the issue of regulation may remain unresolved due to internal politics within the sector. According to FHR report (2020) One of the groups felt that since the money that is going to be distributed is that of the CAO sector, the CAO governing body should be responsible for

the administration, management and distribution of funds (since the participants felt CAOSA should be transformed into the CAO governing body, they referred to CAOSA as being in the best position to deal with the Basket Fund). At the consultation meeting on regulation, it was stated that there was consensus that the state must commit to providing the core funding for CAOs. Some participants wanted to include a clause in the future regulation that government pay for core operations of CAOs.

Additionally, CBPs argued that they have already been rendering legal services and should therefore continue regardless of their qualifications. they stressed the importance of engaging legal institutions to issue certificates in recognition of prior learning for CBPs who have years of experience working in CAOs.

Finding: Qualification requirements should not be used to exclude experienced CBPs

CBP reported during this research that they are concerned that the legislative process has not been inclusive and argue that that all necessary measures must be taken to ensure that any process that follows, at the policy and legislative level, is inclusive of views and opinions expressed by CAOs and community-based paralegals, and as much as possible, the individuals and communities they serve. If the process, either in substance or procedure, is non-inclusive, there is a concern that any proposal will lack legitimacy, credibility and therefore, will not garner trust from the public.

Finding: The regulation process must inclusive to attract support from all the stakeholders of the CAO sector.

3.1.7 Regulation of CAOs Human Capital and Financial Sustainability

Thematic Response 1: Regulation may introduce restrictions and interference and bring change to CAOs

Thematic Response 2 Regulation should not compromise the independence of CBPs and CAOs Thematic Response 12: Regulation may encourage unprofessional conduct by CBPs

We like paralegals to earn a living wage, however we are aware that when they start earning more money from government they will change. Money changes people.
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People who are qualified can be a problem sometimes: they became elitists.
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Once they are regulated by government, they will want certain qualifications. We will lose experienced paralegals
We are aware some staff members are not young. Before they leave, they must train the young ones to be humble, patient, have listening skills. And they must be taught how to treat people who come to the office for assistance. They must be monitored.
Immediately when governments come in, they will change the way we work. Once we are regulated, things will not be the same.
We are happy for her to work with governments – like she is doing with the police – and not fall under government. Because the home visits she conducts are very important. Government might stop that.
When people have money, jobs secured by government, they forget everything and everyone.
They must remain as they are: independent and no strings attached to government. They will not be able to do follow up on cases. They will forget about your case.
I think that they should not be regulated, they should just be given funding to sustain the office and look after their families and should be working as the way they are working
We want them to be independent and not be merged with any other government department.
They can work with government, but remain independent. Government departments do not treat us very well. This office's existence encourages us.
We are not sure if we will be able to come to the CAO to report our cases if they operate the same way as government institutions where we never got help – instead, we were referred here.
Institutionalisation within government will spoil the work of paralegals; they will do as they please. They will be slow in assisting people. It is easy for them to say, "Come back in three months' time," and when you go back, they cannot remember
Paralegals are very flexible in approach; regulation will bring so many rules which might not suit how they do their work and their clients

We need offices that are not affiliated to government. If they are affiliated, we will not get the kind of support we are used to

We cannot tell paralegals to be regulated or not, because we don't know what the government has in store for them. There are good things and bad things about the government, but one of the bad things is that government does not make us very happy: you will wait for ages to get help.

Sometimes we wish white people would take over administration. White people have a sense of urgency. The office works with traditional and municipal councils. White people have assisted here – especially white farmers. White people must also work at the CAO.

Narrative comparative counter-arguments among service recipients – often with the same participant weighing the factors on each side of the question as to whether, from time to time, service recipients place the decision in the hands of CBPs saying that they should be the one to decide, because they are the ones who will be impacted by the decision.

The draft policy pointed out the danger of CAOs losing their independence and explain that the CAO governance structure must be both functionally and structurally independent and impartial from government. In particular, the members of the CAO governing body must remain impartial in their decisions and undertakings and must not receive any instructions or favours from third parties, but act in the interest of the CAO sector. The policy suggested that the independence of the CAO governing body from the government will be safeguarded through a number of measures. The measures proposed shows that independence of individual CAOs will be ensured through: (1) an independent board composed of community members; (2) an independent CAO governance structure; (3) compliance requirements that will not restrict their ability to operate freely and independently in service to their communities; and (4) the possibility of obtaining funding from diverse sources (draft policy (2020).

Finding: Regulation should strengthen the independence of the CAO sector not take away its independence.

3.1.8 . Regulation of CAOs Human Capital and Financial Sustainability

Thematic Response 7: Regulation will interfere with/slow down the speedy resolution of cases

Thematic Response 10: Regulation will silence paralegal's voice
The problem is that they are going to want to go under the government because there's a lot of money there they can receive under government. But we are not happy if they have to go under government. They will not be effective: bad habits of government will affect the office.
I would like it that she remains the way she is. Because we will not be assisted if we now have to find people who are educated, because how will we who are uneducated speak to those that will replace her? I like to talk to her directly. So I say 'no' to regulation
No recognition by government. I say she's fine and should remain the way she is: she should remain independent from government.
They must leave CAOs alone. The government does not work at the same speed as the CAOs
Because they solved our problems immediately, government-regulated entities take a long time to solve a problem. The queue is very long, and you will go there every day and get help on the eighth day.
Government is too slow. We know from Legal Aid process it is very slow. CAO turn around on cases is very fast.
No regulation. The money will silence paralegals voice. You cannot fight with someone that gives you money, pay your salary”.
The institutionalisation of CAO's will control the paralegal practice and paralegals will not fight for us like they do now.
The government will want to have their own programs; then we will fail to get help when we get here. There are some people who work in government who do not respect the institution of government. They will arrive for work, but you will find them sleeping, sitting there.

Opposition to regulation is based on the fear that it might lead to an over-restrictive definition of community-based paralegal work. Some are completely against CBPs becoming regulated and operating like Government officials, who do not serve the people. The participants mentioned barriers

relating to lengthy procedures. The poor still have difficulty accessing this system, because it is remote, slow, and is still costly, biased, and unreliable. All focus group participants mentioned that bad tendencies will be adopted by CBPs when they became comfortable and earn a better salary. They suggest that they are not in favour of regulation at all, the CAOs operations must be funded by donors not government.

Finding: Regulation might bring complacency within the CAO sector and cases will take long to resolve.

The challenge then becomes how to design a CBP-administrated community-based justice system that will preserve the unique nature and characteristics of the CAOs and CBPs; that will include the voice of the CBPs and guarantee their independence, while enabling them to work effectively within the context of the dynamics of the justice fraternity and the power relations of the CAO sector.

3.1.9 Overarching Finding

All CAOs do not mind formal recognition and regulation as long as their salaries are sufficiently covered and have operational costs to sustain their activities. If they have secured operational and human capital, they prefer to operate as they have been without any formal recognition because they believe recognition by stakeholders, their clients, community members and community-based structures is enough for them to carry out their work. All of them acknowledged that formal recognition and regulation will come with risk of control, leaving the CAO with very little independence.

3.1.10 Comparative Findings

- **Formal recognition and regulation come with advantages and disadvantages.** The research notes the risk mentioned by both CBPs and service recipients that too much state involvement might replace the dynamism of CAOs with rigidity. It might also curtail the ability of CBPs to hold the state accountable. The state could potentially constrain the autonomy of CAOs.
- **Opposition to regulation may be based on the fear that it might lead to an over-restrictive definition of community-based paralegal work.** Another potential risk of formalizing CAOs work is that they could reduce the responsibility of the state to make formal justice processes more accessible. On the other hand CBP mentioned that their approaches, including mediation, organising and navigating formal justice system and traditional institutions, fall outside of lawyers' competency.

- **A distinction emerged between the views of male and female CBPs.** Male CBPs favoured recognition, as long as it brought with it standard salaries and benefits. Female CBPs indicated that they had financial needs but proposed mixed public and private funding, along with donations from individuals who could afford to do so, rather than regulation. In other words, if they are adequately funded they will opt out the regulation framework.
- **Many service recipients participating in the study expressed concern that if CAOs were funded by the government rather than donors, the treatment they received at the CAO would deteriorate.** People flock to CAOs because the treatment they receive at government department was so poor. Service recipients feared that as soon as CAOs were absorbed into the government they would start behaving like government workers. One reminded the others of what it was like when they had to sleep outside Home Affairs or DSD, before they had access to the help provided by the CAOs. Only one female recipient maintained that it would be fine for all CAOs to be absorbed into government structures; she felt this would enable the CBPs to introduce positive changes to government culture from within.
- **Many CBPs felt strongly that they needed the proper infrastructure that could be provided if they were funded by the government.** At some offices, the CBPs shared computers and could function efficiently. Many offices didn't have stationery, and clients were asked to bring their own paper. Many offices had toilets but no water (3 out of 5 provinces did not have water during research team visits).
- **Regulations could help the CAOs to establish effective management systems and introduce monitoring, which could increase their eligibility for funding – but possibly undermine CAOs autonomy and responsiveness.** Participants saw the danger that new rules and requirements could result in loss of control and the capacity to respond with flexibility, resulting in frustration for both CBPs and service recipients. Such restrictions and control could affect the scope of CBPs' work: for example, they might not be free to accept whichever cases they chose to; they might no longer be able to do home visits; they might not be able work outside of office labours because of labour regulations – all features of the CAO approach which community members value. Recipients showed an awareness that their issues were often complex, and that the flexibility of CBPs to work across departmental boundaries might be lost with the introduction of control and restrictions. On the other hand, some of the CBPs supported regulation and accepted the greater restrictions that would come with it as they understood these were the conditions required to qualify for stronger funding, which could secure their positions with better salary and benefits and provide more resources for training.

- **Respondents (both CBPs and focus group participants) generally did not differentiate between recognition and regulation** in the discussion of these aspects, while understanding that there was a difference. Some CBPs thought that there could be recognition without regulation, which could protect their flexibility. Service recipients generally opposed regulation and felt strongly that the CBPs should stay independent (as evidenced in the ‘for and against’ matrixes). As in the documentation reviewed on the subject, differences are also blurred. It is crucial for this research to clarify what recognition means and separate recognition and regulation. Both types of participants want the CAOs and CBPs to receive recognition but also to be able to keep their operations client-centred.
- **Institutionalisation was also conflated with regulation.** This needs differentiation in this research. For some recipients, institutionalisation meant that the CAO would ‘belong’ somewhere; for example, in the government. They felt it would be better regulate the sector but never place it under a government department. The CBPs also confused institutionalisation and regulation. Their understanding was that there could not be institutionalisation if there was no regulation. Further research is needed on this. Both groups were in favour of recognition– and even regulation – as long as the CAOs were not put under government control.
- **A major point in favour of recognition, for both types of participants, was the possibility of improving the financial situation of CBPs.** Service recipients did not want change but knew that CBPs needed money for sustainability. One of the CBPs highlighted that she would only agree to formal recognition and regulation if they came with personal gain – despite receiving a salary with provident fund. She was satisfied with everything about the work and felt supported but desired to earn more with a bonus.

4 Research Objective 3: Advance African ways of knowing justice and governance in furtherance of Sustainable Development Goal 16.

The evidence obtained from focus groups, interviews with CBPs and case narratives across all ten CAOs demonstrate the importance of African indigenous culture to service recipients across a range of issues. Indigenous culture was seen to be respected and valued by local people and the CBPs, being from the same communities, were able to take appropriate action with knowledge of, and insight into, the local language and customs.

Interviews with the CBPs at Bergville and Impendle in KwaZulu-Natal illustrated the CBPs' in-depth understanding of the cultural dimensions of rape and *ukungena*, in particular. These indigenous traditions must be respected and reconciled with the very different, but dominant, domain of formal law. Such legal pluralities require CBPs to possess a depth of knowledge of both systems as well as the skill to balance the use of these systems with sensitivity to the fact that the families experiencing distress may find the norms of formal law alien and unable to satisfy their cultural and social needs.

4.1 Findings across all ten CAOs

- As a member of the community in which they work, the CBP is well-placed to understand the difficulties victims and their families may experience due to the tension between the traditional (indigenous) and formal (Western) legal systems.
- The CBP understands the activities that occur at initiation and therefore offers the culturally appropriate service method of mediation to negotiate problems that arise.
- Participants express appreciation for the way CBPs speak their language, and can also explain simply the legal position.
- Culture is very important to participants, who also express their concern for all the changes that the new dispensation has brought into their traditional ways of living.
- Participants understand that justice is a cultural construct, rooted in tradition.
- Mediation is an effective strategy for addressing domestic conflict, and is compatible with cultural restorative justice approaches adopted by CBPs.
- The case reveals a lifetime of passion intrigue, abuse and loyalty. The story traverses' multiple worlds as the client moves between the CAO, the police, the traditional authority and the court.

- When traditional ways of dealing with rape conflict with western (formal) law, the role of the CBP is to engage with traditional leaders, police, pastors and trauma centres, as well as to conduct mediation to bring the parties to agreement on a way forward.
- CBPs have a close and respectful relationship with the traditional councillors, and this is appreciated by the service recipients.
- CBPs attend to the socio-economic needs of service recipients when this is required. Recipients acknowledge this valued assistance within the context of their gratitude to the ancestors.
- CBPs handle the gender-based abuse many women encounter in their marriages. In customary marriages cultural expectations may serve to hold women trapped in abusive marriages.
- Service recipients appreciate that CBPs embrace African ways of knowing; and this is their strength.
- CBPs have a deep understanding of cultural practices, such as Ukungena, and are therefore able to explain the situation to service recipients and guide them about the correct way to proceed.
- CBPs work closely with traditional leaders on issues such as witchcraft, which are part of the culture, and outside the scope of the CBPs.
- Comparative experiences of GBV and mediation indicate that mediation is culturally appropriate, and only when mediation fails, do people resort to the court system.
- Across indigenous cultures people find a disconnect between their culture and the formal law of the land. Ordinary people talk of obeying the formal law, but reluctantly.
- Mediation is culturally appropriate, but can also seem to make women equal to men, and even more important than men, according to some male participants.
- Culture manifests in many forms, and when conflict arises and arrives at the CAO, cultural ways of resolving disputes are employed.
- CBPs are familiar with both the positive and negative aspects of the culture, in their efforts to assist service recipients.
- CBPs handle cases of great complexity, culturally, legally and emotionally.
- CBPs express the complexity of living in diverse communities, with multiple languages, cultures, and also religions. Their many relationships mean they have a free flow of referral lines across state service providers and tribal leaders.

4.2 Comparative Analysis

The evidence obtained from focus groups, interviews with CBPs and case narratives across all ten CAOs demonstrate the importance of African indigenous culture to service recipients across a range of issues. Indigenous culture was seen to be respected and valued by local people and the CBPs, being from the

same communities, were able to take appropriate action with knowledge of, and insight into, the local language and customs.

Interviews with the CBPs at case study 4 and case study 5 in KwaZulu-Natal illustrated the CBPs' in-depth understanding of the cultural dimensions of rape and ukungena, in particular. These indigenous traditions must be respected and reconciled with the very different, but dominant, domain of formal law. Such legal pluralities require CBPs to possess a depth of knowledge of both systems as well as the skill to balance the use of these systems with sensitivity to the fact that the families experiencing distress may find the norms of formal law alien and unable to satisfy their cultural and social needs.

In the case narrative analysis, the sites of impact illustrate how cultural content is brought to the paralegals and instantly understood by them. There is inter-communication and interaction between the CBP working in a formal system and the tribal authorities such as Inkosi and Indunas. By straddling multiple legal systems, cultural content is navigated, and clients receive a resolution for the problems they bring. Cases such as illegal disposition of traditional land or lobola disowned illustrate this point, among others.

In the focus group, participants talked about the value of their culture, their language, their way of seeing life and the changes that are eroding their culture and revealing some of the darker sides of abuse of their culture. Also, their way of justice is harmonising between culture, tradition and formal law. In every way, participants wanted restorative justice, e.g. mediation, to be used to resolve their conflicts and only the formal court system when all else had failed.

5 Research Objective 4: Establish the role of network governance by CAOs regarding facilitation of effective access to justice.

It is clear from the qualitative data that CBPs play a role of working in an environment of legal pluralism when networking with various government departments involved in applying the rule of law, social justice and customary law. They act as intermediaries between these institutions and local communities who are often suspicious of the rules and processes of government institutions. In other words, while using informal justice system approaches, CBPs are able to apply both the formal and traditional justice systems to a single case. From the paralegal perspective, all stakeholders have a complementary relationship with CBPs in CAOs when working through client cases. The question is who do CBPs network with.

5.1 Who do CBPs across ten CAOs network with?

Based on the evidence from the CBPs in CAOs and service recipients the most common networks across all ten CAOs network are with the Department of Home Affairs (DHA), Department of Justice and Constitutional Development (DoJ&CD), Department of Social Development (DSD), Department of Employment and Labour (DEL), Department of Cooperative Governance (DCoG), Department of Traditional Affairs (DTA) Department of Public Works and Infrastructure (DPWI), and South African Police Service (SAPS). All CBP operate across all sectors of government including government funded independent institutions. Data show that network governance also involves an array of other network actors from non-governmental organisations, private sector, community-based structures and community members themselves form a network relationship with CAOs/CBPs. There is a cross-referral of cases between the CAOs and network players across all ten CAOs. These networks are managed by the CBP who delivers socio-legal services using various approaches including joint awareness and education activities with network partners. From the paralegal perspective, all stakeholders have a complementary relationship with CBPs in CAOs when working through client cases. The Table reflect the views of CBPs and service recipients on the complementarity of CAOs across various networks discussed above.

5.1.1 Complementariness of all CAOs to government CBPs perspective

Table 14 Complementariness of Case Study 1 (CLAP) to Government CBPs perspective

CAO	Department of Home Affairs
CASE STUDY 1	<p>“We work very closely with the Department of Home Affairs, we also have the stakeholders’ forum together. We talk about the issues around the birth certificates and ID’s. The Forum is chaired by the Home Affairs manager. We refer case to Home Affairs, the forum provide us with a platform to advocate for improvement in areas of service delivery ry where they are not doing thigs right.</p> <p>It sometimes happens that as a paralegal, I refer a client to go to Home Affairs, but then they come back without having received any help at all. But sometimes, when I go there, they get frightened when they see my name tag. There's something at these government departments that is not right discrimination of some sort. My client was not going to be eligible for an old age pension until her paper- work was in order. Had to accompany her to Home Affairs to solve a more than five years problem.</p> <p>PP2</p>

Members of disadvantaged communities experience serious difficulties in dealing with government departments. Members are turned away because they either don’t have sufficient documentation or do not qualify for some reason or the other. The result of this ignorance is that people often forego claims that they are entitled to

Satterthwaite (2019) explains that “accompaniment build grassroots power. It provide emotional and physical solidarity to those navigating the justice system. The CBPs actions at the home affairs demonstrated that she used the accompaniment as a tool of critical legal empowerment. Accompaniment promotes the rights and dignity of service recipients and challenge the power dynamics in Home Affairs decision making spaces (Satterthwaite,2019).

Finding : CBPs are accompaniers that offers solidarity in the face of injustice, they uses the strategy of accompaniment to achieve justice for vulnerable people who are intimidated by public institution.

5.1.2 Complementariness of all CAOs to government Service recipient perspective

Table 15 Complementariness of Case Study 2 (AWAT) to government Service recipient perspective

CAO	Department of Social Development/ Department of Justice and Constitutional Development
CASE STUDY 2	<p>The department of Social Development have funded us to implement their victim empowerment and substance abuse project. Four people receives stipend from this project. TP1</p> <p>“I foster children placed with me by the department of social development. They placed a nine-year-old girl with me. When she turned 14, she left to stay with her boyfriend. That was hurtful and my husband warned me when I agreed to foster her. He said the girl is troubled. As a result my husband did not like her. He was just short of saying “I told you”. I went to the police to report the situation. The police sent me to this office. The office assisted me, she told me I must go and report to DSD the girl's situation. Welfare took us to the children’s court and the paralegal was there. The children’s court said the father must be traced instead of her being fostered by another family again. The paralegal volunteered trace the father. She was able to trace him, and the girl is now placed with her biological father”. TA-FG1</p>

The case was referred by a CBP to Department of Social Development, it is clear the paralegal interacted not only with the social worker but also with the children’s court under the Department of Justice. She went beyond the call of duty and volunteered to assist with tracing the girl’s father, complementing the work of the children’s court.

The ease the CBP expresses with professionals such as court personnel is important because of the knowledge they can share with such stakeholders and the influence they can thus bring to bear, in a quiet way, on service delivery. CBP assist courts with background information and sometimes with documentation required for a case.

Finding: CBPs facilitate transfer of power from court official to a Community-Based Paralegal.

5.1.3 Complementariness of all CAOs to government CBPs perspective

Table 16 Complementariness of Case study 3 (ACQ) to government CBPs perspective

CAO	South African Police Service
CASE STUDY 3	“We work with the police station, we have a victim empowerment project at the police station. I think the reason why the police refer cases of women who do not want a protection order to us is because from the onset they knew we are strong around the issue of mediation. This is where you try to restore whatever was broken, restoring the relationship between the families. If you do mediation that is the first thing you consider “to restore relationships”. The way you talk to those people can change their position. They might come in saying they want to divorce but the way you talk to them might change their mind and resort to other alternative ways of solving their problem”. QP1

This case shows that the criminal justice system is often not effective in delivering what women want, and need, for protection and validation. The police know that the CAOs are best placed and skilled to conduct mediation. Police stations as well as courts, are where much of the domestic violence cases are reported , making it easy to refer clients both ways. They also provide a certain amount of vicarious credibility to the CAOs . Mediation begun instinctively according to CBPS interviewed , mediation has become the preferred method for many clients. This informal system is best suited to the sensitivities and cultural values of local people. In the process, CBPs educate both victims of violence and alleged perpetrators. Court time is spared, allowing this authority to concentrate on other matters. The complementariness of the CAO, police and courts benefit everyone. Wojkowska (2006) found that formal justice systems could be culturally uncomfortable for rural women and that “going through the formal justice system may lead to more problems for women

Finding: Partner institutions have a place to refer people on issues that they are unable to deal with.

5.1.4 Complementariness of CAOs to government private sector CBP and service recipient perspective.

Table 17 Complementariness of Case Study 4 (SRCB) to government private sector CBP and service recipient perspective

CAO	Insurance / Provident Fund
CASE STUDY 4	<p>“I have gained experience in dealing cases involving private companies . I assisted so many people in my constituencies to claim their benefits from Metal Industries. I was called by the Station Commander from Police where my office is located. He informed me that if I still want my office located at the Police Station I must stop claiming benefits for people because Metal Industries contacted the National Commissioner of Police and complained about exodus of claims I was facilitating for my clients.</p> <p>The paralegal started the process, and she kept calling and finding out what we needed to submit. She really helped me a lot because whenever I would receive an SMS I would immediately run and show it to her. Then she would advise me on what to do. But it did take a while the money was paid out in 2018. When the SMS notification came in the night, I woke up my wife and showed her the message after gazing at it frequently. I could not believe it. When my friend asked me how much I paid the paralegal for the help she gave. I told him she did not even ask for a Cent. He then asked me what I freely gave as a token of appreciation. That is when I asked the paralegal, she said she does not want anything that is her job. (see complete case in brief 9) My client got his financial entitlement after 28 years. ”.</p> <p>BGP1</p>

From the paralegal perspective, all stakeholders have a complementary relationship when working through client cases. However, there can be an imbalance of power when community problems need to be addressed. As demonstrated by case 4.

Every client who was helped by the CAO became ready to spread the word, to influence other people, and to become part of the network of community members who have experience of having their rights vindicated, their conflicts resolved or access the benefits they are entitled to. They were thus ready to shed the status of being ignorant about their rights and become crusaders for other people in the village.

This case shows that there are a few private service providers who are passionate about their work and deliver, but most of them behave as if they are asked to do what they did not sign on to do, they are happy to collect money but struggle to pay when the time comes to pay. Paralegals have met hostile officials and this has led to their status being questioned in a particular institution. The person in charge of the fund questioned her scope of work and that she has no jurisdiction to carry out this work in an institution that deals with criminal issues not financial issues. This kind of restriction interfere with the CBPs work.

Finding: The CBPs had to adapt quickly to being called upon to solve a wide range of problems, restriction on their work means denying people access to justice who have come rely on the services of CBPs

5.1.5 Complementariness of CAO to non-governmental organisations CBPs perspective

Table 18 Complementariness of Case Study 5 (SRCI) to non-governmental organisations
CBPs perspective

CAO	White Door Shelter for Women and Children
CASE STUDY 5	<p>“I worked on this case with a colleague from lifeline, I work with various non-profit organisations, they refer cases, I refer cases and sometimes we collaborate on the case”IP1.</p> <p>I brought an abandoned eight-year child (girl) here to the police, the police said this is a matter for the Social Workers so they brought me here to the advice office.</p>

	<p>The child explained the situation to the paralegal and they contacted white door shelter and white door agreed to take the child. I was grateful and relieved that the child will be safe at the shelter. They assisted me. IZ-FG2</p> <p>After the placement of the child at white door shelter myself and the colleague from child line followed up the case with a home visit to where the mother was staying with the boyfriend. The reason for the home visit was to find out what is going on and the boyfriend told us that he does not want the child because it is not his biological child. He said that he only loves the mother and not the child. The child confessed that the boyfriend abuses her mother and locks her up in the house. So, we spoke to the mother and she seemed to be someone who was planning to leave this relationship because she could see that she was being abused. So, we took the matter further and referred it to DSD (Department of Social Development). DSD went to speak to the mother and took the mother to a shelter. The mother did not even have an ID therefore the child did not have birth certificate. She said they never took an ID out for her. This made matters worse because she now has a second younger baby from this boyfriend, who is unemployed. The mother and her two children did not have any identification. We asked the social worker to attend to this issue as well. We followed up on this the third time and the social worker reported that she has done it with the help of a distant relative”.IP1</p>
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It is evident in this case that the CBP interaction with stakeholders included making the victim aware of her rights and help affirm to the young woman that she will be making the correct decision to leave the abusive relationship. In every stage of the paralegal’s home visit for follow-up the CBP was making her aware of her rights and the need for identification papers. Due to the working relationship with the stakeholder, she was able to suggest to the social worker handling the case that she should assist with the I.D application process.

Sometimes the people in the community confused the CBPs with the Social Workers; even the police themselves regard CBPs as social workers. This indicates that communities do not understand the concept of a community-based paralegal but see the CBPs as good social workers.

Finding: CAOs and CBPs are first- tier service providers in many cases.

5.1.6 Complementariness of CAO to sub -granting organisations CBPs perspective

Table 19 Complementariness of Case Study 6 (LAOM) to sub -granting organisations CBPs perspective

CAO	Sub-granting organisations
CASE 6	<p>Challenge</p> <p>But our problem we are working from an empty stomach. The problem is the system itself; this notion of volunteerism is the one which now is ruining everything, it has made the CAO sector stagnant. When they see me, they see me as volunteer not as a worker and then our conscience is clear, to work is a right it's not a privilege and then when you say I am a volunteer you are trampling upon my right to work.</p> <p>They don't even pay the hours in other words they will give you money and then if they are saying that they are not paying salary they will want the money to fund transport for me to move from point A to point B, organise workshops, feed the people who are coming to the workshop, pay for the transport of the people who are coming to the workshop. This is what they want and then even the equipment, you find that they don't like because it means that if you buy equipment, they remain with you. It's their mentality, they want the money to be finished. They don't want to see it in your line item as a salary so you have to calculate when you write a proposal to say okay fine with all your workshops want then 50 people, they will say okay how much did you cater, then you'll say okay fine maybe R60 a head so what in other words that that they are trying these people also perpetuate dishonesty because you know why you will feed people by R25 and then the rest</p>

	<p>you have to make a plan for your staff. They want you to hide the salary bill even from the auditors but the auditors then that is where they have a problem because they will see that you have taken R 40 to put it into staff salary pay.</p> <p>And that model failed us because at the end of the day we are still trapped in poverty. They say we cannot give you money because you cannot account for the money.</p> <p>For example with the PB (code)project. I also fought with RF (code) and PB. I said you are undermining the paralegals. You want the paralegals to do the work and give you reports but you give money to another institution, another institution gives to the paralegal. Why don't you give to the paralegals directly? They refused. Pro Bono does not give us money because they think "paralegals cannot account".</p> <p>MP1</p>
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This research has established that most donors do not do not fund core costs, particularly salaries and rent, and therefore the CAOs face difficulties in retaining and attracting staff, particularly male staff members. Donors are not comfortable to fund CAOs directly. They cite financial accountability challenges within the CAO sector. This renders funding CAOs a risk which most funders are not willing to take. This is also a reason why donors prefer to fund CAOs through organisational affiliates or partner organizations as it allows them to decrease the risks associated with funding CAOs directly. This further contributes to CAOs' dependency on bigger players and their inability to develop financial and managerial skills that would allow the them to be self-sufficient.

Finding: CAO sector's independence, right to organize and handle own funds must be respected

5.1.7 Complementariness of CAO to government extension service CBPs and service recipient perspective

Table 20 Complementariness of Case Study 7 (OMO) to government extension service CBPs and service recipient perspective

CAO	Department of Justice: Court Annexure Programme
CASE STUDY 7	<p>“I am recognised as a court annexure mediator. I even have a practice number (001-7-21). I am accredited by the court directly. The court send me divorce cases to mediate before the divorce decree is granted.</p> <p>In this case our client had made up her mind, she made it clear that she does not want even mediation because it is wasting her time and the husband can keep everything they accumulated together. She wants nothing but her freedom”. OP1</p> <p>“I was referred to the advice office by the court. I am employed as a domestic worker. My husband has been out of work for ten years. He is very abusive and very jealous. Every time when I go to work he will follow me. He has been accusing me of sleeping with men, the last straw is when he said I must stop going to work because I am sleeping with my boss and he beat me for that. I decided to divorce him. The office called us for mediation. I told my husband I am tired of being beaten all the time I step outside the house. I was prepared to walk out with nothing. He did not contest the divorce, the office assisted me with all the paper work. I am happy without my husband”. OB-FG1</p>

CAOs/CBPs are part of the community-based justice system. lack of formal recognition of CBPs’ work has resulted in a lack of knowledge of the work they are doing with in the rural areas. That is the reason community-based paralegals are not included in restorative justice projects within the government. Paralegals are also not recognised as suitable mediators for the purposes of the Children’s Act, 2005. Sections 21 (3)(a) and 33(5)(b) state that mediation should be employed to resolve disputes regarding parental rights and responsibilities and parental plans (contact and care) (Martins (2014). The case

narrations demonstrate a step in the right direction. And an example of appropriate recognition of the services of a CAO.

Finding: There is scope to involve CBPs to provides for a family group conference, victim offender mediation (VOM) or other restorative processes in the justice system.

Finding: CBPs facilitate transfer of power from court official to CBP and CBP to the people.

5.1.8 Complementariness of CAO to community-based small business CBPs and Service recipient perspective

Table 21 Complementariness of Case Study 7 (RACB) to community-based small business CBPs and Service recipient perspective

CAO	Small Village Lending Business (*Mashonisa)
CASE 7	<p>K in this case lends money to his neighbours. When one of his neighbour failed to pay she told her daughter to lay a false case of rape. K was arrested. He was referred to us by someone who has been assisted by us. He did not have money to pay for a lawyer to apply for a bail for him. We approached the lawyer that we refer most of the cases to. We asked the lawyer to help him pro bono. The Lawyer represented him when he appeared in court for bail and he was able to convince the court to be given free bail. On the day of the trial it , the court dismissed the case for lack of evidence. The defendant did not bother to appear in court.</p> <p>We deal with cases involving “Mashonisa”. There was one case in particular where we rescued a pensioner from the Mashonisa. The old lady was so grateful and swear that she will never go them again. One day one of the Mashonisa called me and said you client is here to borrow money and she told me your office said what we are doing is illegal. Therefore can you give her money (laugh). The industry is regulated by NCR, we advise people that Mashonisa is not allow to lend more that they could not afford to pay. Even though they are charged unreasonable interest they keep on going to the Mashonisa. BPI</p>

K-FG1	<p>I run a small money lending business. I was accused by my neighbour's daughter who is I think around 15/or 18 years, of rape. I lend money to people in my area (people called us loan sharks). My neighbour was also my client. When they were supposed to pay the money they alleged that I raped their daughter. I was arrested and was held in a police cell for two days. The police gave the telephone number of the advice office. I contacted the advice office. They arranged for me to get a free bail. We went to court and the girl confessed that her parents told her to make a false statement accusing me of rape. I was discharged and the case was dropped. I did think about civil action against my neighbour but then they paid me the money they owed me. I was extremely grateful for the way the office helped me. After that I took a decision that I will never lend money to a woman.</p> <p>There are so many people in jail who are not supposed to be there, some are innocent, and some are there for minor offences. After I was freed from jail, I was the one telling the police where to find my accusers. It was easy because the community know justice and injustice and they will assist to make sure justice is done. BK-FG1</p>

Mashonisa (loan sharks) have a very bad reputation in local communities. They are needed, but also despised. CBPs work with everybody, and when the loan shark has been wronged, he becomes the service beneficiary to ensure justice is done.

Finding: The flexibility, simplicity and the speedy resolution of the problem are the most remarkable features of the paralegal led community-based justice system

5.1.9 Complementariness of CAO to Private sector CBPs and service recipient perspective

The paralegal who attended this case died two weeks before our scheduled visit to the CAO. We ask the family to use her name because her client were paying tribute to her. The respondent is an administrative officer. The paralegals she worked with were in isolation.

Table 22 Complementariness of Case Study 10 (MCAN) to Private sector CBPs and service recipient perspective

CAO	Insurance: Funeral Policy
CASE : MCAN	<p>“We have a good working relation with the police that is the reason they referred the client to the late Sis Daphne. Even though we do not have a formal referral system with the police they refer cases and we refer cases. The police accepts our referral letters”. NP5</p>
NT-FG2	<p>I had joined a funeral insurance company. But the problem was that I was not married to the man I was with. When the man passed away, they gave me R10 000 rand then they gave me another R10 000 rand. After that they gave me R2 200. When they gave me the first R10 000 rand, they said that I am not married to him and they did not know that we were in the process of getting married customarily. They turned me away. A woman at the insurance company referred me to the advice office. When I got to the advice office I explained everything to sister Daphne. Then sister Daphne referred me and wrote a letter for me that I took to the police station to get an affidavit. She sent me back to legal wise to submit the affidavit and the letter from her office. I then went to Legal Wise to submit these letters and they took it and apologized for not helping me all along. All together they were supposed to pay out R72 000 rand.</p> <p>It took me three years struggling to get this money on my own before I came here. But I'm happy that my time coming here paid off. At the time bank account activities did not report on my phone so one day I received the letter and realised that the money was deposited a while ago. Imagine joining Legal Wise hoping to get assistance, only to be kept waiting for three years. Justice with Daphne was really quick.</p> <p>I first started at the police station and also went to Legal Wise. They were only able to help me after I came with a letter from Sister Daphne. NT-FG2</p>
NT-Tribute	<p>For me it was very sad because every time I came here, she would help me. should also follow up on me and check up on me. Sometimes she would even take me to</p>

	<p>the clinic herself (Accompany). I never had stress or any pains when I was with her it would all fizzle away. She was such a good woman. we have lost. greatly lost". (cry)</p> <p>"I am very heartbroken, just as she was about to help this elderly lady she passed away. This really touches me because many people hoped that they would be helped by her and now unfortunately she's no longer with us".</p>
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All the service recipients show the love and trust they had for sis Daphne for her wisdom, her skill, and most of all her passion to see justice realized for her clients.

The succession plan within the CAO/CBP has been a problem. Most CAOs have closed or experience leadership crisis when the founder of CAO dies. In this regard, it is important for the survival of the sector that CAOs have succession plans in place and do not cease to exist when leaders leave their CAOs or pass on.

Finding : regulation of the CAO sector will allow for procedures and systems to be instituted to ensure the continuity of CAO services.

5.1.10 Complementariness of CAO to government CBPs perspective

Table 23 Complementariness of Case Study (CCL) to government CBPs perspective

CAO	Department of Labour
CASE : CCL	<p>"There was a guy who was dismissed from work and was not unionised. So I said I will take advantage of this and take a chance. I had the power of attorney and I took the guy and said let's go. When we got to the disciplinary hearing there was this labour specialist representing the employer. He took out the booklet for the labour relations act, fortunately I had an idea what the labour relations act was because I used to work for the Union. So I said to myself I'm going to win this one. After I introduced myself he took the booklet and he quoted something from the booklet. I was well aware of them, I was not stressed, I was fine. Then he said I am not qualified to represent this man. but then I told him that I have the power of attorney to represent this man. After that he looked at me and he said he will give me a last chance to negotiate with the employer and then he went out. So I pleaded with this employer and I told him that he has worked for 15 years with this man and there</p>

	hasn't been any complaints and what he did was a slight mistake. What he had done was a dismissible offence because he was caught drunk. He is a critical employee because he drives the tractors on the farm. So then this guy was given a final written warning and that is how I then won. So I used the power of attorney that I learnt about". LP2
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There is a concern that CBPs formal recognition and regulation will limit their flexibility and wide range of tools to assist clients. That bigger earnings will disconnect CBPs from the community environment and create an elite group. Similarly, Franco, *et al* 2014:31 warns that statutory recognition with or without incorporation into the formal justice system “would undermine the vibrancy and dynamism of the paralegal and alternative law movement” as demonstrated in this case.

Finding: Community-based paralegals not only refer cases to an established network but also take on cases Each case is treated as unique and the solution is not-one-size-fits-all.

5.2 Determine how cross-sector responsiveness to CAO modalities of access to justice can improve.

Focus group participants expressed the view that they would appreciate it if most public service providers would deliver services with passion, in the same way CBPs do. It has always been the approach of CBP to work with officials who believe in helping other people and who take joy in seeing people receiving assistance. A natural progression of relations develops between the officials and the CBPs. CBPs have met hostile officials, which has led to their status being questioned in a particular institution. This is exacerbated by the lack of formal recognition and regulation of paralegals. The way forward is to work on the promulgation of legislation to recognize the CBP/CAO profession. Researchers that the need to maintain excellent working relationships appears to be a major component of CAO operational approach .

Finding: Community-based paralegals function on the premise that for their work to be successful, they have to cooperate with other service providers and involve members of the community.

5.3 Overarching Finding

The CAO sector has reached a point where it needs to become a rooted institution in the community, and thus permanent structures will be needed as an institutional home for the CAOs. To ensure service delivery of a high standard, responsiveness of network partners to the changing needs of communities, a process of giving technical support in the field, monitoring and evaluation need to be established as an integral part of the network system managed by CBPs. A network system that is regularly evaluated means that corrections can be affected, as a result of the analysis of strengths, weaknesses and obstacles.

5.4 Comparative Findings

The service provision by CAOs and CBP impacts individuals, institutions and communities. CBPs activities are carried out in partnership with various stakeholders. The network is less structured and informal. The informal network is built on a gradual basis as needs arise. This comes about through referrals between CBPs and other government departments. Regardless of the loose and less structured nature of informal networks, there is some coordination level between its members. Such coordination is responsible for their collective action in organising workshops when considered necessary.

The network partners invite the CBPs to attend events, and CBPs similarly invite stakeholders to attend their awareness activities. Network partners benefit from Paralegal's facilitation and presentation skills during awareness campaigns.

Sometimes only officials can organise the appropriate forums; other times, officials refer to CAOs without engaging with the client.

6 Research Objective 5: Determine how to empower the CBP voice from a focus on basic justice services delivery to articulation of CAO sector advocacy and reform.

The findings for this objective will be reported in planned reports for 2022.

This brief next discussess sources of evidence that allowed for triangulation of the study.

7 Triangulation of Sources of Evidence

7.1 Introduction

Data triangulation is the use of multiple data sources to help understand a phenomenon (Yin, 2018). The qualitative and quantitative data gathered, as well as documentary evidence and literature review, were triangulated in this study. Scholars agree that triangulation of sources of data and modes of data analysis generates reliability and validity in mixed methods research (Richie et al, 2003:43; Yin, 2018). According to Tracy (2010:843-844), the credibility of qualitative studies can be achieved through description (where the research shows rather than tells occurrences) and multiple types of data analysis. In addition, Tracy (2010:845) elaborates that “multivocality as a component of credibility means that the multiple and varied voices of respondents are presented and analysed in the study”.

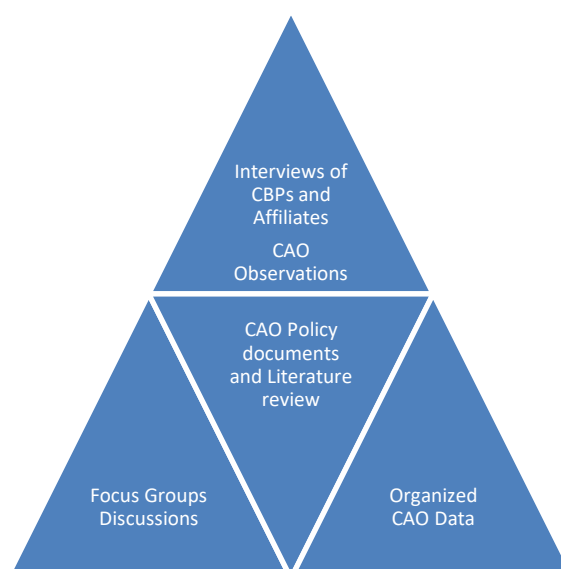


Figure 1 Triangulation of Sources of Primary and Secondary Evidence for the Study

While empirical evidence drawn from interviews, focus groups and the organised database converge to achieve research objectives, review of secondary data and literature shows convergence with perceptions of study participants and is divergent from those perspectives at other times. For example, there are both supporters and opponents of formal recognition and regulation, sometimes the

respondents offer different perspectives on the same issue. Locating CAOs in police stations and municipal buildings may support openness on the part of government officials to collaborate with CBPs on cases (which suggests the recognition of services offered by CAOs/CBPs); and that the networking process covers multiple areas of service delivery; that clients' benefit, by quick resolution of the problem at minimum cost to the client and the state. Other divergence between data from interviews and focus and the literature include the indication by study participants that officials and community members value the work of CBPs. This study produced empirical evidence that is scant in literature – such as the role of network governance by CAOs regarding facilitation of effective access to justice.

Data from study participants show that CBPs in CAOs understudy that there is depth in CBPs straddling plural legal systems and receiving support from network partners (service of calling letters to police magistrate court, home affairs personnel to free rental office space) and traditional courts (invitations to make presentations on mediation and legal rights awareness-raising, , assisting department of labour and Justice with projects, joint projects with municipal ward counsellors), and the overall strength of CBP interaction with social service stakeholders on behalf of clients.

Primary Data shows the network does not serve purpose intended. Documentary evidence shows that judicial reasoning demonstrates an awareness of how severity of penalties under DVA disrupt family-life and economic stability of dependants. Draft policy for r and reflect contradictions between CBPs and Service recipients and in a way that disadvantages CBPs. Conflict between short term funding, lack of clarity on structural model, lack of information and management, CAOs data, and lack of formal recognition weakens CBPs on the one hand and leads to economic and emotional stress of CBPs on the other hand. The CAO seems the forum best suited for rendering and playing a leadership role in community-based justice system alongside the traditional authorities when the rule of law orthodoxy and traditional law are contradictory or irreconcilable.

Observation of CBPs in CAOs understudy by the researcher is another source of evidence used to triangulate the study. In addition, secondary data from the organised data base converges with the primary data to demonstrate the number, types and cases handled by the CBPs and CAOs.

Triangulation of multiple sources of data together with multivocality of participants add credibility to this study. Convergence and divergence of data from these sources of evidence help to achieve the objectives of the study as next discussed.

7.2 Alignment of Research Objectives with Data

To examine the relationship between interview data and the research objectives, the researcher first aligned the overarching research five objectives. Table 24 displays the outcome of this exercise in columns one and two. The table provides findings from this research study. The findings represent a synthesis of findings and thematic responses derived from data collected in the study. In brief 11, the findings are discussed in relation to the research objectives.

Table 24 Alignment of research objectives with Interview data

Research objectives		Findings from Interview Data
1	Conduct a cost-benefit analysis of the CAOs.	The research confirms uncertainty and tension between structural and financing models in CAOs
		CAO activity under stand-alone structural model is viable but not financially sustainable.
		The information management systems used by CAOs does not fully capture their activities.
2	Develop evidence-based financial and human capital sustainability arguments for the CAO sector's appropriate regulation and institutionalisation.	Formal recognition and regulation come with advantages and disadvantages
		A distinction emerged between the views of male and female CBPs.
		The literature notes that opposition to regulation may be based on the fear that it might lead to an over-restrictive definition of community-based paralegal work
		Funded CAOs by the government rather than donors, the treatment service recipients received at the CAO would deteriorate.

Research objectives		Findings from Interview Data
		Regulations could help the CAOs to establish effective management systems and introduce monitoring, which could increase their eligibility for funding
3	Advance African ways of knowing justice and governance in furtherance of Sustainable Development Goal 16.	<p>When traditional ways of dealing with rape conflict with western (formal) law, the role of the CBP is to engage with traditional leaders, police, pastors and trauma centres, as well as to conduct mediation to bring the parties to agreement on a way forward.</p>
		<ul style="list-style-type: none"> • CBPs have a close and respectful relationship with the traditional councillors, and this is appreciated by the service recipients.
		<p>CBPs have a deep understanding of cultural practices, such as Ukungena, and are therefore able to explain the situation to service recipients and guide them about the correct way to proceed.</p>
		<p>CBPs work closely with traditional leaders on issues such as witchcraft, which are part of the culture, and outside the scope of the CBPs.</p>
		<p>CBPs express the complexity of living in diverse communities, with multiple languages, cultures, and also religions. Their many relationships mean they have a free flow of referral lines across state service providers and tribal leaders.</p>

Research objectives		Findings from Interview Data
		When traditional ways of dealing with rape conflict with western (formal) law, the role of the CBP is to engage with traditional leaders, police, pastors and trauma centres, as well as to conduct mediation to bring the parties to agreement on a way forward.
4	Establish the role of network governance by CAOs regarding facilitation of effective access to justice.	Clients' benefit, by quick resolution of the problem and the networks benefit, by having solved a problem at minimum cost to the client and the state.
		through the network governance CBPs facilitate transfer of power from network partners to CBPs and CBPs indirectly transfer it to the people.
		CBPs extend the reach of government and render services in spirit of complementarity
		CBPs extend the reach of government and sometimes merging economic benefits and access to justice.
		Finding Accompaniment, approach removes barrier in service delivery and promote access to justice .

Table 25 The Role of Community-based Paralegals in community-based justice system

The Role of Community-based Paralegals in community-based justice system
Undertake consultation with clients
Conduct assessment and negotiation through a cultural lens
Liaise with employers as necessary
Link clients with other service providers
Provide socio-legal advice to parties and families
Empower clients with knowledge and problem-solving skills
Provide information about police and formal courts
Provide information about traditional authorities and other stakeholders
Fill gaps in services unobtainable elsewhere
Provide counselling
Investigate and address clients' underlying problems
Screen cases on behalf of magistrate's court as requested
Refer cases to relevant agencies
Conduct pre-mediation interviews with offenders
Write calling letters for mediation
Conduct assessment to decide the type of case suitability for mediation
Mediate post-Protection Orders
Contact relatives for inclusion, if requested
Use understanding of community dynamics to help mend relationships
Conduct workshops on life skills
Conduct home visits as follow-up on oral agreements
Maintain relationships with clients and families post-mediation
Conduct awareness raising workshops to facilitate access to justice
Accompany clients to banks, clinics, hospitals, pension office, Home Affairs, and other government offices as well as private companies

8 Conclusion, Policy Implications and Recommendations

8.1 Introduction

This section presents the conclusions drawn from the findings of the research as well as lessons learned. The conclusions are discussed in relation to the research objectives which were achieved through the use of a mixed method research design. Implication and recommendations for policy regarding the role of CBPs in community-based justice system are set forth. The recommendation suggests a way forward for the support of CBPs as important actors in community-based justice system. The information obtained through this research is highlighted under each objective, cost-benefit, statutory recognition and regulation, African way of knowing justice and network governance. The limitation of the research and suggestion for further research are presented.

8.2 Conclusions drawn from the findings of the study

CBPs in CAOs are not new to South African landscape, various scholars have written that their role in advancing community-based justice system is not studied in depth. Despite their long-term community engagement toward legal empowerment CBPs in CAOs are not statutorily recognised and the legal profession is sceptical about the functionality of CAOs and CBPs. The research problem identified revolves around indirect costs and benefits to the CAOs organisation affiliates, case management strategies, funding models, perceptions regarding statutory recognition and national regulation of the CAO sector. With specific reference to CAOs in the province of the Eastern Cape, Free State, KwaZulu Natal, Limpopo and Mpumalanga in South Africa. The study raised five objective and achieve four objective and the fifth one partially. The research objectives are aligned in section 10.

8.2.1 Conduct a cost-benefit analysis of the CAOs

A quantitative analysis was conducted to identify the direct and indirect, as well as tangible and intangible, costs and benefits associated with the services offered by the CAOs. Administrative data captured by each of the CAOs during the period 2016-2018 was used to conduct the cost-benefit analysis. The highest costs were found to be the direct intangible costs incurred by the CAOs in the form of the opportunity cost of foregone income. The most significant benefit was found to be the indirect intangible benefit accruing to the clients in the form of ‘individual cost savings’ and ‘willingness to pay’. Nine of the ten CAOs recorded positive Net Value over 2016-2018. CCL was the

only office that recorded a negative Net Value during this period. Eight of the ten CAOs had a Benefit-Cost Ratio greater than one, indicating that they were viable. Of the eight, only two (Case 4 and Case 5) had ratios greater than two. The CAOs in KwaZulu-Natal, that already had functional databases and case management systems at the time the study was launched had the highest benefit-cost ratio. Case 9 and Case 1 had benefit-cost ratios below one, possibly because of incomplete records. The high benefit-cost ratios of the two CAOs in KwaZulu-Natal could also be attributed to the structural and financing model used by these two CAOs. Brief 4 indicated that the stand-alone CAOs were funded through a combination of stand-alone, public, intermediary and CAO collaboration financing models, whilst the CAOs in KwaZulu-Natal used umbrella financing. The financing mechanisms of stand-alone CAOs may limit the scope of their work as their time is divided between actually doing the work and applying for funding, while the CAOs using an umbrella structure may be able to devote more time to their core work and spend less time applying for funds.

The findings of the quantitative analysis were complemented by the results of the qualitative analysis. The focus group interviews identified numerous intangible costs and benefits which were not quantified in the CBA. This does not, however, negate the findings of the quantitative analysis that CAOs are viable organisations that need financial support to be sustainable. The case narrative analysis also identified social and quality of life impacts that were not quantified in the CBA. While the services offered by the CAOs are free, they yield numerous tangible and intangible costs and benefits. Ultimately, the benefits were seen to outweigh the costs.

8.2.2 Develop evidence-based financial and human capital sustainability arguments for the CAO sector's appropriate regulation and institutionalisation

*The study concludes that the regulation of the CAO sector and community-based paralegals will be a significant step forward. Regulating the sector will: (1) consolidate the impact and role of the CAOs and community-based paralegals in ensuring access to justice in South Africa; (2) contribute to sustainability and growth of the CAO sector; (3) professionalise and formalise the CAO sector and community-based paralegals; (4) provide accountability mechanisms, both vertically and horizontally; (5) develop systems and solutions for communal learning; and (6) create a platform for ongoing interaction between government and other stakeholders.

8.2.3 Advance African ways of knowing justice and governance in furtherance of Sustainable Development Goal 16.

The evidence obtained from focus groups, interviews with CBPs and case narratives across all ten CAOs demonstrate the importance of African indigenous culture to service recipients across a range of issues. Indigenous culture was seen to be respected and valued by local people and the CBPs, being from the same communities, were able to take appropriate action with knowledge of, and insight into, the local language and customs.

Interviews with the CBPs at case study 4 and case study 5 in KwaZulu-Natal illustrated the CBPs' in-depth understanding of the cultural dimensions of rape and ukungena, in particular. These indigenous traditions must be respected and reconciled with the very different, but dominant, domain of formal law. Such legal pluralities require CBPs to possess a depth of knowledge of both systems as well as the skill to balance the use of these systems with sensitivity to the fact that the families experiencing distress may find the norms of formal law alien and unable to satisfy their cultural and social needs.

8.2.4 Establish the role of network governance by CAOs regarding facilitation of effective access to justice.

The service provision by CAOs and CBP impacts individuals, institutions and communities. CBPs activities are carried out in partnership with various stakeholders. The network is less structured and informal. The informal network is built on a gradual basis as needs arise. This comes about through referrals between CBPs and other government departments. Regardless of informal networks' loose and less structured nature, there is some coordination level between its members. Such coordination is responsible for their collective action in organising workshops when considered necessary.

The network partners invite the CBPs to attend events, and CBPs similarly invite stakeholders to attend their awareness activities. Network partners benefit from Paralegal's facilitation and presentation skills during awareness campaigns.

8.3 Lessons Learnt

- Preparation before actual research

For the researchers – most research team members had other obligations, work commitments and family commitments. Research activities had to be planned around individual commitments.

For the participants – had to plan around the availability and convenience of the CAOs.

- Piloting is key in qualitative research

We got better results from the CAOs we did face to face preliminary visits in terms of sampling and input from focus group participants.

- Sampling

Random sampling was the preferred strategy but was not possible because the case files were not put in a research format. It was organised for analysis purposes but not good enough for sampling. The cases were not detailed, the statement was very brief, did not have outcomes or follow-up recorded. From the files, we could only get type of case and client personal information. The lesson learnt is that random sampling will not work for CAO studies in South Africa as the CAOs do not have a developed information system to allow for it.

Purposive sampling gave us an opportunity to have a glimpse on the diversity of issues that paralegals deal with and the diversity of people they work with. It allowed us an opportunity for the participants to narrate their stories beyond what is recorded in case files. This made the research dynamic and real time. We had an opportunity to also record the cascading benefits of the work of CAOs/CBPs.

- Small focus group participants

The research learnt that in a rural setting a small number of participants is more workable because the participants are used to telling long accounts of their experiences. Keep it small to do justice to all participants.

- Multilingual participants

When conducting focus groups, it's important to group participants according to their vernacular language. Switch between languages proved to be exhausting in real and transcript time.

8.4 Implication for policy on recognition, regulation and institutionalisation

Policy change is warranted to accommodate and recognise the role of CBPs in the community-based justice system. This would promote indigenous governance and justice practices in the Republic of

South Africa. Policies that promote indigenous governance and community-based justice practices are also worthy of consideration for South Africa and indigenous communities elsewhere. The legislation currently recognises psychologists, social workers and other qualified persons as suitably qualified persons. Section 70 of the Children's Act provides that, in a dispute before the Children's Court, the court may cause a family group conference to be set up and appoint a suitably qualified person or organisation to facilitate (mediate). Community-based paralegals are suitably qualified to provide this service. Section 70 also provides that in a dispute before the Children's Court, the court may refer the matter to a lay forum, including traditional authorities, to settle the matter by way of mediation out of court. Paralegals would be ideal for this role, but they are not recognised. CBPs combine the skills of a psychologist, social worker, and public servant. The study recommends that CBPs should be integrated into the justice systems so that they can participate in areas that needs community justice systems to play a role.

8.5 Implication for policy on the application of indigenous knowledge systems

Data from all the sources researched indicate the extent to which service recipients appreciate the service being delivered in their language, in their own communities and in the context of their indigenous culture. They have access to justice which would otherwise not be possible.

Policy reform is needed to accommodate the needs of marginalized and indigenous people, once it is understood how important it is to deliver services in a culturally appropriate way. Often the formal legal system can benefit from the evidence of community-based justice, for example in the preference of clients for mediation over court process. Particularly with regard to domestic violence, much can be learnt from the mediation process of paralegal-led justice for possible incorporation in policy and amended legislation of the *Domestic Violence Act* 116/1998.

8.6 Recommendations

8.6.1 Recommendations on structural and financing model

- The CAOs showed evidence that they can operate as stand-alone entities. The hybrid mixed funding model works well and what matters is for the CAOs to be empowered on the management, accountability and case management skills linked to funding.

- The legal advice arm, a core function of the CAOs, needs more funding to sustain the operation of this activity. Lack of funding is weakening the legal advice activity and is leading to high staff turnover due to job insecurity.
- As much as the stand-alone offices have at least a computer, they do not have the skills to run an electronic system. The manual system affects their functionality as substantial time has to be spent manually recording and updating cases instead of assisting the clients. Evidence showed that the paralegals neglect fully recording cases in favour of just maintaining a case register. The study recommends that each CAO be supported to develop an electronic CMS that suits their programs.

8.6.2 Recommendations on statutory recognition, regulation and institutionalisation

- The state's recognition and regulation of CBPs are essential for further study and critical review. Where such recognition and regulation is deemed necessary, care should be taken that the standards imposed do not serve as filtering or excluding mechanisms, which would undermine the vibrancy and dynamism of the paralegal and alternative approach to the rule of law orthodoxy. Formal recognition of CAOs by the government is also an important area for further study and critical review. This has not been given much attention in the draft policy.

8.6.3 Recommendations on application of indigenous knowledge systems by CBPs in CAOs

- To attain Sustainable Development Goal 16, governments need to ensure access to justice for all, particularly marginalized and indigenous people. Indigenous people do not approach the formal justice system, because of the alien language and culture they encounter. CBPs are linguistically and culturally accessible and are thus critical in helping to close the gap in access to justice.
- Recognition of CBPs and the value of the indigenous knowledge systems they bring to justice delivery would be an important step towards the goal of access to justice for all.

8.6.4 Recommendations on network governance

- Referrals from the government institutions to CAOs indicate greater acceptance of the administration by CBPs of the community-based justice system. This suggests that there is a trend towards the institutionalisation of CAOs, CBPs and their approach to justice in South Africa. The institutionalisation of CBPs and their CAOs could be done according to the justice needs of the community and the justice practice of the CAOs.

8.6.5 Recommendations on empowering CBPs voices

- The fifth objective of the research focused on determining how to empower the voices of CBPs to extend beyond their focus on basic justice service delivery to advocacy and reform of the CAO sector. Questions related to this objective did not elicit adequate responses from CBPs. The researchers realised that lack of response was a result of information overload during interview sessions. The objective will be revisited.

8.7 Limitation of the study

- The scope of the work of CBPs is broad. Future research could focus on various categories of cases CBPs handle in their day-to-day work in order to gain a more complete picture of their service delivery model.
- The study did not include stakeholders or network partners who benefit from the services of CBPs and CAOs.

8.8 Suggestion for further research

* Community-based paralegals have gained vast experience and knowledge in working with different constituencies and different people from diverse backgrounds. Further studies could provide additional evidence on their work as activists in their communities. There are different types of African feminism and western feminism; there is need to pay attention to this area of research to find out what is relevant to the work done by CBPs in CAOs. The female voice in activism and advocacy for community-based justice systems needs to be heard.

* Due to the amount of data collected the researchers did not get an opportunity to conduct an in-depth analysis of the data to address the question of whether statutory recognition and regulation of CBPs in CAOs will benefit those they serve or erode the CBPs' unique approach to justice. Further studies will contribute to the development of appropriate policy that will benefit both the actors and beneficiaries of community-based justice systems.

* African indigenous knowledge systems, including African living law, are worthy of empirical inquiry. Due to limitations on time during site visits, the research participants did not sufficiently engage with this topic. It was evident from the interviews and narratives from focus group participants that CBPs

apply African living law. These laws are not written but were passed down from generation to generation and CBPs mentioned that their familiarity with them places them at an advantage in delivering justice services that meet the needs of indigenous people. Colonialism eroded African living law; people started to be treated as individuals and their collective approach to day-to-day living was not taken into consideration when dealing with their cases. Western colonisers wrote the law, ensuring that they only codified what was useful to them. This gave birth to statutes. This raises the question: can we go back to old African law? Some CBPs said that women had no say in the old African living law. One participant observed that the colonisers' laws caused women to be inferior, not African living law. Other CBPs said that African living law allowed for diversity; in case study 3 focus group participants were vocal that their culture is being eroded and replaced with something alien to their culture. CBPs and focus group participants agreed that going back to African living law could address the social ills affecting rural communities.

*Issues of diversity and network governance require further research. The work of CBPs in CAOs involves diverse actors – either individuals, organisations or institutions. Further research is needed to study this diversity and how it is directly and indirectly contributing to the crisis in the CAOs sector. The majority of CBPs reported that they are treated as volunteers by some, taken advantaged of due to their financial situation, which undermines their contribution to access to justice and furtherance of SDG 16.3.