

Lawyering for Change 2022 Conference

SUMMARY

Advocating for Change: How to advocate for an effective and lasting societal change?

Plenary Session - Thursday October 13th 9.30am-11am

Speakers:

- **Soheila Comminos** – Senior programme officer, Open Society Foundations (United States)
- **Sara Prestianni** – Researcher and programme officer in migration and asylum, Euromed (Italy)
- **Ali Idrissa** – Human Rights defender and national coordinator at Network of organisations for transparency and budget analysis (Niger)

Moderation by **Antonio Manganella** – Regional director for the Euro-mediterranean region, Avocats Sans Frontières (Tunisia)

Today's world faces many global and highly political challenges that make humanity increasingly interdependent. Whether it is growing inequality, climate change, migration, shrinking civic space or the rise of private sector in public policy, populations in the North and the South are facing the same challenges.

If the term advocacy was first used in the legal sphere, its appropriation by civil society organisations has given it a political dimension. It now refers to collective action to defend common interests or to make the voice of the most vulnerable populations heard by political and economical decision-makers. This evolution required the strengthening of technical expertise of civil society actors and of their ability to develop shared strategies for which partnership and alliances are prerequisites. Civil society organizations have become recognized as interlocutors of public authorities and play also a role of counter-power by sounding the alarm and denouncing harmful policies for Human Rights and the environment.

Based on experience sharing, this plenary session attempted to identify the conditions for a successful advocacy strategy by presenting different modes of action around three global themes: European migration policies and their impacts on Human Rights, the responsibility of economic actors in terms of Human Rights and the environment, the criminalization of poverty and shrinking civic space.

1. The European migration policies and their impacts on Human Rights

In 2020, a new European Pact have been adopted: The Pact on migration and asylum which attempted to go beyond the Dublin Regulation. The latter went against international law. Faced with this, civil society tried to intervene at three level:

- 1) It questioned the feasibility of the Pact (which had been adopted without a prior impact study),
- 2) It asked the participation of the European Parliament in order to reduce the imbalance between the executive and legislative power at the European level,
- 3) It intervened before national parliaments and governments and before countries of the neighborhood.

An event that allows us to question European policies concerning migration is the Ukrainian crisis. This crisis illustrates the double standard applied to refugees according to their nationality. Indeed, for Ukrainians, the member States were able to quickly activate a temporary protection mechanism which was not previously on the agenda. Moreover, the directive activated for Ukrainians refugees only applied to them, excluding sub-Saharanans from Ukraine.

2. The responsibility of economic actors regarding Human Rights and environment: the case of Niger

Niger is a country with the paradox of being rich in terms of natural resources such as Uranium but also of being one of the poorest countries in terms of human development. Uranium is mainly exploited by the company Areva which accounts for 70% of Niger's exports and only 7% of the country's revenues.

In 2011, the affair Uranium Gate involving Areva and the Nigerian government emerged. It concerned 30 billion of euros transferred to accounts in tax heavens without passing through Niger. Faced with this, the civil society had filed a complaint against X with the constitution of a civil party to the dean of judges who wanted to hinder the procedure by asking the civil party 30 thousand euros for opening the case. To cover these costs, the civil society made appeals for donations that the authorities closed. Subsequently, the « do not touch to my uranium » campaign was set up, resulting in the arrest of several activists.

In November 2020, a French lawyer filed a complaint about this case but it was rejected. Only the legal file continues in France but without any Nigerian authority being heard.

3. The criminalization of poverty and shrinking civic space: the « decriminalizing poverty, status and activism » campaign

The « decriminalizing poverty, status and activism » campaign was launched by Open Society Foundation first in Malawi and in Kenya from the observation that most of the people detained were poor people who could not afford a lawyer or pay a fine. The legal basis for this came from the colonial legacy and archaic criminal laws. This phenomenon of criminalization and misuse of repressive apparatus has been observed in different regions of the world (Haiti, the Caribbean, South Asia, India, Sri Lanka, etc.). The campaign gathers these different practices under a global label with the slogan « poverty is not a crime ». The tools mobilized for this campaign were: strategic litigation, advocacy, communication, researches and studies, and more recently advocacy with international institutions.

4. Conclusion et recommandations

A good advocacy strategy starts with a realistic analysis of power. It is obvious that in the three themes of this debate, a real victory is impossible to obtain for civil society, as the asymmetry of power is strong. But it is necessary to set achievable intermediate goals, milestones and to be able to achieve small victories.

We can identify different stages in advocacy building:

- It is important to take time to think strategically before taking action, in order to analyze the context, the actors and the targets.
- Three main families of professions must collaborate between them:
 - Expertise: the analysis of civil society must be based on evidences in order to convince decision-makers,
 - Citizen's lobby: civil society must be there where public policies are developed in order to become a known and systematically consulted actor,
 - Campaigning: Starting with public education, we must convince through proximity.