

Lawyering for Change 2022 Conference

SUMMARY

How to reposition justice at the heart of social and political regulation?

Plenary - Thursday October 13th 3.40pm-5pm

Speakers:

- **Sylvia Namubiru Mukasa** – CEO of the Legal Aid Service Providers' Network (Uganda)
- **Chantal van Cutsem** – Executive director, Avocats Sans Frontières (Belgium)
- **Sophia Aziz** – Programme Officer at the US Department of State (United States)

Moderation by **Romain Ravet** – Regional director in Eastern Africa, Avocats Sans Frontières (Uganda)

We shouldn't work on the rule of law and Human Rights in isolation nor focus solely on the « demand for justice ». This work must be done at the heart of society, in collaboration with other actors and with work on the institutions and the existing obstacles within them. The rule of law is not a « sector » of activity of the State but a principle that must guide all its actions and interests. It is essential to look at the security and economical sectors.

Today, there is a gap between the objectives given to justice systems by national and international decision-makers and the expectations of population. First of all, justice is conceived as a simple instance of settling disputes and maintaining order which must therefore essentially receive technical improvements. Then, populations that go to Court expect reparation, restoration of their dignity or accountability of the powerful, i.e. political and social effects that go beyond the technical aspect. Cooperation in justice must aim at a precise paradigm and recognize that its achievement is not only technical.

1. On the definition of success and collaboration between CSOs and donors

The work of donors is a field of its own and, for now, the participation of local actors is limited to a consultation whereas it should be a matter of long-term partnerships based on trust (while avoiding the dangers of « trade off » on transparency of donors' actions).

It is essential that actors (CSOs and donors) get along on the idea of measuring success. Indeed, progress is not linear and the changes achieved by civil society are variable. The work on measuring success must begin with a posture of humility: we can only contribute to changes and not realize objectives that are beyond us. This must be accepted by all actors, otherwise we condemn ourselves to failure ignoring small victories. On the other hand, we must dare, dare to propose fair systems, dare to dream knowing that we will not win tomorrow the narrative and the objectives we have set for ourselves. The balance between these two postures appears difficult but necessary.

We can only achieve our objectives by working together and by speaking the truth. We have the tendency to embellish our narratives and hide our failures which is particularly true with our donors because we fear losing our funds. However, in order to succeed, our actions must start from an objective ground and be based on factual and objective observations. We must apply the same principle to our relations between collaborating actors as we do to the fight we engage in.

2. On the engagement with institutions and States

Institutional entrances must be approached with caution because institutions may themselves be marked with historical prejudice, cultural or socioeconomic bias. Institutions can thus be instruments of oppression themselves.

This is why our engagements need to be strategic. Governments are increasingly positioning themselves as the sole interlocutors for CSOs, but it is necessary to place them in their relative role (the head of the executive) and to engage with other institutions around them (parliament, control instances, judicial institutions). It is important to resist to « cooptation », i.e. the alignment between State and civil society. We are different actors and we must respect our different mandates, priorities and methods. We must also recognize that these differences make us complementary and therefore richer.

In our engagements, we need to set our principles and our rules and have our complementarity recognized. Our role is not to solve all the problems but to make an honest and quality contribution, for example by exposing injustices in our advocacy and accompanying the victims.

3. On the transformation of justice

From a Global South perspective, we observe that norms and regulations tend to be repressive and restrictive and, in favor of the regime in place. To fight this tendency, it is necessary to have a transformative, independent and accountable justice that takes into account the most vulnerable, the demands of the population, the informal justice and the fight against corruption.

4. Conclusion

At the end of this plenary, several elements were emphasized: the need as a civil society organization to be humble and to recognize small victories, to not limit ourselves to an engagement to the State but to take into account other institutions, to fight for an accountable, transformative and independent justice.