

Title Card:

Vivek Maru

CEO, NAMATI

Namaste, my name is Vivek Maru and I started Namati alongside Marlon Manuel and justice leaders from all over. And in today's session I want to introduce what we mean by combining the power of people with the power of law.

In particular, I want to do two things; I want to describe how it's possible to fuse legal knowledge and legal strategy into the process of organizing to build community power.

(Text on screen)

LEGAL EMPOWERMENT CYCLE:

KNOWING LAW

USING LAW

SHAPING LAW

And secondly, I want to talk about what we call the legal empowerment cycle which is about knowing law, using law and shaping law. This is Makpele. It is a rainforest region in eastern Sierra Leone and in 2012, a European oil pump company managed to secure a lease agreement for 75,000 acres of rainforest for 50 years for only \$2 an acre per year without the consent of the 22,000 people who live and depend on that land. Makpele is not the only place where things like this go down.

I was part of an international task force on justice and we looked at data from over 100 countries and we estimated that worldwide 5.1 billion people live with grave injustices that they cannot remedy.

(Text on screen)

5.1 BILLION PEOPLE

LIVE WITH GRAVE

INJUSTICE THEY CANNOT REMEDY.

These are people whose lands are being stolen from them or destroyed. People who face ethnic or gender or racial discrimination. People who are being denied access to essential services like basic health care or education. And on top of all of that we are living with the pandemic, with the climate emergency and

with serious threats to democracy itself. The scale of injustice can be overwhelming, I feel overwhelmed at times. What can we do about it?

(Text on screen)

**COMBINE THE POWER OF PEOPLE
WITH THE POWER OF LAW**

Combine the power of people with the power of law. This is Mrs. Mita Moinya Jalloh. She's born and raised in Makpele and she has known disaster before.

In the 1990s during Sierra Leone civil war, Mrs. Jalloh fled with her family to Guinea and when she heard about this lease agreement she said, I didn't want to become a refugee again. I didn't want to lose my home.

And so, despite never having been to school, despite not knowing how to read, Mrs. Jalloh fought back. She got organized. She organized a residence association and that crew reached out to a pair of community paralegals named Tommy Abdulai and Baindu Koroma. What are community paralegals?

(Text on screen)

**COMMUNITY PARALEGALS:
ORGANIZERS WHO HAVE KNOWLEDGE OF
LAW
&
SUPPORT COMMUNITIES TO
PURSUE PRACTICAL SOLUTIONS.**

Community paralegals are organizers who have knowledge of law and workings of government and who help people to use that information to pursue practical solutions. And so, Mrs. Jalloh, Tommy, Baindu, the resident's association, they sat down, they did some analysis and they found that the lease agreement was clearly in violation of Sierra Leonean land law. And armed with that information, the community demonstrated en masse, they confronted the company regularly, they invoked law with specificity and with authority and after a year and a half of this, the company backed down. Faced with the prospect of mass noncooperation and the prospect of litigation, the company acknowledged that that

lease agreement, that piece of paper they had, was not valid.

Mrs. Jalloh's community has a partnership with the Gola National Rainforest park and they are looking to expand that partnership now that they've been able to beat back the attempted land grab by the oil pump company.

Mrs. Jalloh said to me, I want to find a way of flourishing, a way of developing that involves stewarding our lands rather than destroying them. And she said, I learned through this process that no one can take my land, no one can bend my hand, I learned my rights.

(Text on screen)

NO ONE CAN TAKE MY LAND.

NO ONE CAN BEND MY HAND.

I LEARNED MY RIGHTS.

That is the difference that law and organizing can make. And I want to zoom out a little bit to sort of characterize the contrast between a law and organizing approach and the way law has functioned traditionally in society.

(Text on screen)

(Left) TRADITIONAL LAW

Driven by experts

Highly technical

Distant from, and sometimes exploitative of, affected communities

(Right) LAW & ORGANIZING

Driven by ordinary people

Technical channels used in tandem with others, including direct action

Focus on building collective power, among communities facing harm

Traditionally law has been dominated by elites, lawyers in particular. Law and organizing means putting ordinary people in the driver seat. Traditionally, law has focused on highly technical channels; so technical that they're often impossible to understand. Law and organizing means demystifying those channels, making them accessible and then using them in tandem with other tools like nonviolent direct action. Traditionally, law has often been distant from outright exploitive of communities who are affected.

Law and organizing in contrast has an unrelenting focus on building power among communities facing harm.

Every struggle like the one that Mrs. Jalloh was a part of, is vital. Every struggle against injustice like that is vital. But as a movement we can't stop with struggles like those. We need to build even further, we need to move even further towards fundamental changes in the laws and systems that make the injustice possible. Mrs. Jalloh today she is part of a movement of people from across Sierra Leone who are pushing for a new land law that would grant every community across the country the right to free prior informed consent over any industrial activity on their territory. The new law would also ban industrial activity in old growth forests and ecologically sensitive zones. The new law would empower local land use committees and mandate that those committees be made up of by at least 30% women.

This new law, it didn't come out of nowhere, it grew directly out of a decade of grassroots struggles against land grabs, against pollution that were waged by paralegals and communities.

And this is what we call the legal empowerment cycle; communities can understand and use existing rules, no matter how imperfect those rules are, to take on lived immediate threats against their rights, against their lives, against their livelihoods and then people can come together across many cases like that to pursue better rules.

(Text on screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

With learning and leadership from grassroots struggle, pursue structural change

(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

And in particular there are two very powerful things that grow out of grassroots struggles that can help with the pursuit of systemic change; Learning and leadership.

(Text on screen)

LEARNING & LEADERSHIP

What I mean by learning is that many cases like Mrs. Jalloh's offer a portrait of how a system is working in practice and that is information that often nobody else has. It can show you how a system is failing, where it's breaking down and it can help you envision how a system could get better.

(Text on screen)

THE STARTING POINT OF LEADERSHIP

FOR MANY PEOPLE AROUND THE WORLD IS ONE OF

DISAFFECTION AND FEAR

And what I mean by leadership is that the starting point is one of disaffection and sometimes even one of fear. And this process of learning and using existing rules to take part in a battle in a fight against a lived immediate harm, that process can be a journey through which people grow their own sense of agency, their confidence, their ability to stand up for their community and also for everyone, for a system that works for everyone. And we have seen in several different places that it is possible to grow, to draw on the learning and the leadership from grassroots struggles to then fight for and win major fundamental changes in laws and systems.

(Text on screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

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(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

The reason we call it the cycle and not a one way street is that if you do get a law passed or if you do win a new policy commitment, those things don't typically implement themselves, they become new levers and hooks which communities and paralegals can bring into the process of solving concrete problems and thereby breathe life into those new commitments, insist on their implementation. It's not a one-way street, it's a wheel and there are people all around the world fighting hard to turn this wheel as we speak.

Admittedly, it doesn't always go the way I just described and there are countries where the conditions are so repressive that no matter how organized communities are, it's going to be difficult to achieve changes in laws and policies using this grassroots approach but we can't give up on that possibility. We have got to play the long game, we have got to stay in the fight. I take inspiration from South Africa where community paralegals first emerged in the 1950s as part of the struggle against apartheid. South African

people they fought for decades before they won against apartheid in 1994 and there are paralegals and communities in South Africa to this day who are working to fulfill the promise of South Africa's democratic constitution.

(Text on screen)

KNOWING LAW

USING LAW

SHAPING LAW

This path way of knowing law, using law and shaping law, of blending law and organizing, this pathway is one that all of us, everyone can walk. It is a crucial part of how we confront massive challenges like climate change and violence and poverty.

It is also part of how collectively we can deepen democracy and I look forward to walking this pathway with all of you.