

A TOOLKIT FOR ENVIRONMENTAL ADVOCACY IN AFRICA

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A Toolkit for Environmental Advocacy in Africa
(July 2004)

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TABLE OF CONTENTS

Acknowledgments

Chapter 1

Introduction to the Toolkit: What is Environmental Advocacy?.....11

Overview.....11

Environmental Advocacy Explained.....11

1.1 What is Environmental Advocacy?.....11

1.2 Who Can Advocate for the Environment?.....12

How to Use This Handbook.....13

1.3 The Toolkit Approach to Advocacy.....13

1.4 Before Using the Tools.....13

1.5 Advocacy “Tools”.....16

1.6 Case Studies.....16

1.7 Handbook Does Not Provide Legal Advice.....16

1.8 Handbook Tools Should Not Be Used to Violate the Law.....16

1.9 Things Can and Do Go Wrong.....17

Chapter 2

Preparing for Environmental Advocacy: Tools for Collecting Information.....19

Overview.....19

2.1 Why Collect Information?.....19

2.2 Who Collects Information?.....19

2.3 What Sort of Information.....20

2.4 Places to Look for Information.....20

2.5 Right of Access to Information Is Sometimes Accompanied
by a Right to Comment on the Information.....20

2.6 Time and Cost Considerations.....20

Legal Tools for Obtaining Information.....21

2.7 Constitutions.....21

2.8 Freedom of Information Laws.....21

2.9 Environmental Impact Assessment (EIA).....22

2.10 Permitting.....22

2.11 Lawsuits.....23

Informal Tools for Obtaining Information.....23

2.12 Mapping.....23

2.13 Internet.....24

2.14 Collection of Data, Specimens, and Physical Samples.....24

2.15 Biological Surveys.....25

2.16 Gathering Popular Opinion (Polling).....26

2.17 Community Watchdog Groups.....29

2.18 Whistleblowers.....30

Chapter 3

Joining Forces: The Importance of Building Alliances.....	31
<i>Overview.....</i>	31
3.1 Why Network and Build Alliances?.....	31
3.2 Thinking Broadly About Possible Allies.....	31
3.3 Dissent.....	32
3.4 Local, Regional, National, and International Partnerships.....	32
<i>Informal Networking.....</i>	33
3.5 What Is Informal Networking?.....	33
3.6 With Whom Does the Advocate Network?.....	36
3.7 How Does the Advocate Identify Resources and Partners?.....	36
3.8 How Does the Advocate Build an Informal Network?.....	36
3.9 How Does the Advocate Sustain a Networking Relationship?.....	37
3.10 A Word on Formal Networks.....	37
<i>Coalition Building.....</i>	38
3.11 What Is a Coalition?.....	38
3.12 How Is a Coalition Built?.....	38
3.13 How Is a Coalition Sustained?.....	38
 Chapter 4	
Taking a Seat at the Table: Tools for Participating in Government	
Decisionmaking Processes.....	41
<i>Overview.....</i>	41
<i>Formal Tools for Public Participation.....</i>	41
4.1 Lobbying.....	41
4.2 Submitting a Private Member’s Bill.....	42
4.3 Notice and Comment Rulemaking.....	42
4.4 The Ombudsman.....	43
4.5 The Permitting Process.....	43
4.6 Environmental Impact Assessments (EIAs).....	44
<i>Informal Tools for Public Participation.....</i>	45
4.7 Private Environmental Impact Assessment.....	45
4.8 Private Monitoring of Compliance with Permit Requirements.....	48
4.9 Convening Public Hearings.....	48
4.10 Letter-Writing Campaigns.....	49
 Chapter 5	
Getting the Message Out: Tools for Distributing Information.....	51
<i>Overview.....</i>	51
<i>Crafting the Message.....</i>	51
5.1 What Is the Message?.....	51
5.2 Understand the Goal of the Message.....	51
5.3 Know the Target Audience.....	51
5.4 Keep It Simple.....	52
5.5 Speak Truthfully and Politely.....	52
5.6 Be Prepared to Respond to the Other Side.....	53
5.7 Talking Points.....	53
<i>Introduction to Distribution.....</i>	54
<i>Getting the Word Out—Print Tools (Non-Media).....</i>	54

5.8 Signs (Including Posters and Banners).....	54
5.9 Text (Including Flyers, Pamphlets, Newsletters, Position Papers, and Research Papers).....	55
<i>The Internet</i>	57
5.10 Websites.....	57
5.11 Other Internet Tools.....	57
5.12 Obstacles to Internet Access.....	58
<i>Getting the Word Out—In Person</i>	59
5.13 Public Meetings.....	59
5.14 Speeches and Other Presentations.....	60
<i>Special Case: Building Community Awareness</i>	62
5.15 Specific Benefits of Building Community Awareness.....	62
5.16 Activities for Building Awareness in the Community.....	62
5.17 Other Considerations.....	63
<i>Novel Tools</i>	63

Chapter 6

Going Public with the Issues: Media Tools.....67

<i>Overview</i>	67
<i>Benefits of Involving the Media</i>	67
6.1 Distribute Information.....	67
6.2 Gain Public Support.....	67
6.3 Attract and Hold the Attention of Decisionmakers.....	70
6.4 Develop a Protective Spotlight.....	70
<i>General Approaches to Working with the Media</i>	70
6.5 Have a Clear, Concise Story.....	70
6.6 Present Solutions.....	71
6.7 Use the “Rule of Three”.....	71
6.8 Cultivate Good Media Relations.....	71
6.9 Link the Cause with Other Major Developments and Events.....	72
6.10 Seek Celebrity Sponsorship.....	72
6.11 Use the International Media.....	72
6.12 The Downside of Working with the Media.....	73
<i>Types of Media Tools</i>	73
6.13 Press Releases.....	73
6.14 Press Conferences.....	74
6.15 Public Service Announcements.....	74
6.16 Radio and Television “Talk” or “Chat” Shows.....	75
6.17 Community Radio.....	75
6.18 Paid Media.....	75
6.19 Inviting the Media to Workshops and Events.....	76

Chapter 7

Protecting Legal Rights: Tools for Court Action.....77

<i>Overview</i>	77
<i>Strategic Issues Relating to Lawsuits</i>	77
7.1 When Should the Advocate Go to Court?.....	77
7.2 How Does Court Action Relate to Other Advocacy Tools?.....	78
7.3 What Could Happen if the Advocate Wins? Loses?.....	78

7.4 Are the Law and the Facts Heavily in the Advocate's Favor?.....	79
7.5 Does the Advocate Know the Opponent's Facts and Arguments Thoroughly?.....	79
7.6 How Does One Find an Attorney.....	82
7.7 How Will the Advocate Fund It? What Resources Can the Other Side Bring to Bear?.....	82
<i>Types of Legal Action</i>	83
7.8 Suits Against Private Parties.....	83
7.9 Suits Against Government Officials and Agencies.....	83
7.10 Other Types of Court Action: <i>Amicus</i> Briefs and <i>Ex Rel.</i> Actions.....	84

Chapter 8

Boycotts and Strikes: Tools for Economic Advocacy	87
<i>Overview</i>	87
8.1 The Benefits of Boycotting and Striking.....	87
8.2 The Dangers of Boycotting and Striking.....	88
8.3 The Need for Broad Support.....	88
<i>Boycotts</i>	89
8.4 What is a Boycott?.....	89
8.5 Who Calls for a Boycott?.....	89
8.6 Who Joins a Boycott?.....	89
8.7 Organizing a Boycott.....	89
8.8 The Threat of Boycott.....	90
8.9 Backlash Against Boycott Organizers and Participants.....	91
8.10 The Flexibility of Boycotts as a Tool for Advocacy.....	91
8.11 Special Case: Divestment.....	91
<i>Strikes</i>	92
8.12 What is a Strike?.....	92
8.13 Obstacles to Carrying Out a Strike.....	92
8.14 Related Tools.....	92
8.15 Special Case: The General Strike.....	93
<i>Other Forms of Economic Advocacy</i>	93
8.16 Procurement Policies and Selective Purchasing Laws.....	93
8.17 Shareholder Resolutions.....	94

Chapter 9

Demonstrations and Other Public Actions: Tools for Social Advocacy	95
<i>Overview</i>	95
9.1 The Benefits of Demonstrations and Public Actions.....	95
9.2 The Risks of Demonstrations and Public Actions.....	96
9.3 Demonstrations and the Media.....	96
9.4 Coordinated Demonstrations and Mass Actions.....	96
<i>Demonstrations</i>	96
9.5 Rallies and Marches.....	96
9.6 Picketing.....	97
<i>Civil Disobedience</i>	98
9.7 Trespassing.....	99
9.8 Sit-ins.....	99
9.9 Blockades.....	100
<i>Other Public Actions</i>	100

<i>Organizational Challenges</i>	100
--	-----

Chapter 10

What to Do When Things Go Bad: Tools for Addressing the

Negative Consequences of Advocacy	103
--	-----

<i>Overview</i>	103
-----------------------	-----

<i>Prevention of Backlash</i>	103
-------------------------------------	-----

10.1 Thoroughly Understand the Possible Consequences Before

Starting to Advocate.....	103
---------------------------	-----

10.2 Avoid the Spotlight.....	104
-------------------------------	-----

10.3 Be Agreeable.....	104
------------------------	-----

10.4 Use the Protective Spotlight.....	104
--	-----

10.5 Involve Government Officials.....	105
--	-----

10.6 Do Nothing for the Moment.....	105
-------------------------------------	-----

<i>Responding to Legal Pressures</i>	105
--	-----

10.7 Strategic Lawsuits Against Public Participation (SLAPPs).....	105
--	-----

10.8 De-registration.....	109
---------------------------	-----

<i>Responding to More Extreme Forms of Pressure</i>	109
---	-----

Appendix

List of Organizations and Networks Whose Activities are Referred to in the Toolkit	111
---	-----

Excerpts of Case Studies

Case Study #1, <i>Nigeria: Using a Variety of Advocacy Tools in the Niger Delta</i> , by Oronto Douglas.....	14
---	----

Case Study #2, <i>South Africa: Responding to Pollution from a Tannery</i> , by Willemien du Plessis.....	26
--	----

Case Study #3, <i>South Africa: Protecting the Vredefort Dome from the Effects of Mining</i> , by Stephen de la Harpe.....	28
---	----

Case Study #4, <i>Chad: The Chad-Cameroon Pipeline Project</i> , by Delphine Djiraibe.....	34
--	----

Case Study #5, <i>South Africa: Ensuring Community Involvement in the Madikwe Initiative</i> , by Pogiso Monchusi.....	46
---	----

Case Study #6, <i>Southern Africa: Advocacy through Theatre</i> , by Brian T.B. Jones.....	64
---	----

Case Study # 7, <i>Uganda: Ensuring Public Involvement in the Bujagali Hydropower Project</i> , by Kenneth Kakuru	68
--	----

Case Study #8, <i>Kenya: Going to Court to Protect the Forests</i> , by Nixon Sufina.....	80
--	----

Case Study #9, <i>Tanzania: Human Rights Advocacy and the Bulyanhulu Gold Mine</i> , Tundu A.M. Lissu.....	106
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CHAPTER I

INTRODUCTION TO THE TOOLKIT: WHAT IS ENVIRONMENTAL ADVOCACY?

The Africa Program of the Environmental Law Institute (ELI) is pleased to present an advanced draft of *A Toolkit for Environmental Advocacy in Africa*. This handbook is a key component of the Africa Program's Advocacy Tools Initiative, which seeks to help citizens and communities protect their environment and health and influence development decisions that could affect their livelihoods.

OVERVIEW

The handbook describes some of the many tools and approaches that Africans can use to promote public health, defend the natural and human environment, and protect human rights. This Chapter defines “environmental advocacy,” discusses the need for advocates to have a clear goal and a strategy, and describes the use of the handbook.

ENVIRONMENTAL ADVOCACY EXPLAINED

1.1 WHAT IS ENVIRONMENTAL ADVOCACY?

Environmental advocacy refers to the act of speaking out in favor of, supporting, and defending the environment with a goal of having an impact on a decision or policy. This handbook provides guidance on how an environmental advocate may influence or change a government decision, for example, or corporate behavior. It does not address general public education or building community awareness, except to the extent these are part of an advocacy campaign.

The word *environment* encompasses many things. Water, air, and land resources—such as forests, plains, rivers, and lakes—are part of the environment. Plant and animal species, including humans, are also part of the environment. The environment is also understood to include the “man-made” environment, meaning sites and structures that have historical, cultural, and even spiritual significance. Environmental advocates seek to preserve the natural and man-made environment, and to protect the relationships that people have with their environment. Human rights concerns are often closely related to environmental issues.

Cities, towns, villages, and rural communities can experience a wide array of threats to the environment that may require advocacy. Business interests may be moving forward with a development project, such as a dam, without addressing the needs and interests of the communities that will be affected. A factory may be polluting air or water, thereby posing risks to public health. Or the government or other resource users might be proposing an activity, such as cutting down forests, that threatens humans and wildlife alike. Many problems involving the environment can potentially be addressed through advocacy.

1.2 WHO CAN ADVOCATE FOR THE ENVIRONMENT?

Anyone can advocate, or speak out, in defense of the environment. Environmental advocates do not need to be lawyers (in some countries the word “advocate” is understood to mean “lawyer”) or members of any particular profession. Generally, advocates are part of *civil society*. Civil society is loosely defined as non-profit, philanthropic, and voluntary organizations as well as communities or groups of people that seek to bring about change or social interaction through voluntary means. Often, environmental advocates are activists who work with *non-governmental organizations* (NGOs) or *community-based organizations* (CBOs).

NGOS AND CBOs

A non-governmental organization, or NGO:

- usually operates at the national or international level;
- focuses on a single issue or a related set of issues;
- is not-for-profit; and
- has a formal structure. Under the law of many countries, an NGO must register with the government.

A community-based organization, or CBO:

- is more likely to emphasize community improvement than one specific topic;
- typically has a low level of bureaucracy or administrative structure; and
- works closely with members at the “grassroots,” or community, level to achieve its goals.

An NGO is a group of people working together for a common purpose, usually at the national or international level. For example, Environmental Rights Action, a Nigerian NGO founded in 1993, “is dedicated to the defence of human ecosystems in terms of human rights, and to the promotion of environmentally responsible governmental, commercial, community and individual practice in Nigeria through the empowerment of local people.” The Lawyers’ Environmental Action Team (LEAT) is a Tanzanian NGO that was established in 1994 “to ensure sound natural resource management and environmental protection in Tanzania.” Some NGOs work at the international level. The World Wildlife Fund (WWF) seeks to “protect the world’s wildlife and wildlands.” As the name makes clear, an NGO is never part of the government.

A CBO usually operates at the local level and seeks to address the concerns of a specific community. Like NGOs, CBOs are not part of the government. Unlike most NGOs, CBOs work at the “grassroots,” or community, level.

Advocates need not work through an NGO or a CBO, of course. Some advocates are university professors; others run advocacy organizations from the offices of private businesses, such as law firms; some operate alone. Regardless of the setting, advocacy work is often volunteer work. Advocates in every country must usually earn income from some other source. This is particularly true for advocates in developing countries.

Most advocates, as well as people who want to become involved in advocacy, quickly find that working with others is more effective than working alone. As a result, advocates typically volunteer with or join existing advocacy organizations, or even form their own organizations. Building and managing organizations successfully can be an important part of effective and sustained advocacy. However, this topic is beyond the scope of the handbook. See the *Other Resources* section at the end of this Chapter for a description of Pact, an organization dedicated to strengthening local organizations and their leadership.

HOW TO USE THIS HANDBOOK

1.3 THE TOOLKIT APPROACH TO ADVOCACY

There is no single approach to advocacy that will solve all problems. Rather, a toolkit approach is necessary. *Advocacy tools* are the techniques and approaches that environmental advocates can use, alone or in combination, to bring about a change or influence a decision or policy. A *toolkit* is all of these various tools brought together in one place.

Tools must be carefully selected for the purpose in mind and used with skill. For a carpenter, a hammer will not work when a screwdriver is needed. And even the correct tool, if used improperly, can do more harm than good. Similarly, for the environmental advocate, a media campaign may be better suited to accomplishing the advocate's goal than a lawsuit. But a poorly operated media campaign may be damaging to the advocacy effort.

A CHECKLIST FOR ADVOCATES

Before launching an advocacy campaign, the advocate should review the following checklist. If possible, it is best to discuss these issues with friends, colleagues, community members, and people with specialized knowledge (such as scientists, university academics or other personnel, and NGO staff members).

- √ What is the underlying environmental problem or issue?
- √ Can the problem be solved?
- √ If so, how? What result would be acceptable? This is the *goal*.
- √ Different approaches may be available for reaching the goal. For each approach, consider:
 - Which resources are available. These include financial resources, technical and legal expertise, political connections, and other sources of information.
 - Who is likely to support this goal, and how they can be contacted.
 - Which decisionmakers or influential people can bring about the goal.
 - Who is likely to oppose the advocate's efforts, and what resources they have.
 - Which advocacy tools might be used under the circumstances to support the approach.
 - How effective the available tools are likely to be.
 - How the tools might be combined.
- √ Decide on a *strategy* that uses one or more of these approaches.
- √ Consider the possible consequences of success and of failure. Do the potential benefits of proceeding justify the risks?
- √ How long will the advocacy campaign take? How can it be sustained?

1.4 BEFORE USING THE TOOLS

Tools are of little use unless an advocate has a blueprint or instructions for how they will be used. Thus, the first step before even using tools is to identify the problem or issue and then decide upon the precise goal for addressing this problem or issue. Once the advocate has decided on the goal, the next step is to develop a strategy, or plan, for reaching it. This strategy may call for the use of one, or many, advocacy tools. This plan will probably require various people to use specific tools in a precise way at certain times. Advocacy works the same way.

The checklist in the box on the following page will help the advocate to develop a goal and a strategy for environmental advocacy. Only when the advocate has decided upon a clear, achievable goal, and a strategy for reaching that goal, is it time to think about using the many different types of tools that appear in this handbook.

CASE STUDY #1

NIGERIA: USING A VARIETY OF ADVOCACY TOOLS IN THE NIGER DELTA

Excerpts from a Case Study by Oronto Douglas
Deputy Director, Environmental Rights Action / Friends of the Earth Nigeria

INTRODUCTION

The Nigerian advocacy group Environmental Rights Action / Friends of the Earth Nigeria (ERA / FOE Nigeria) conducted a Niger Delta-wide environmental survey of communities in the last quarter of 1993. The central objectives of the survey were to understand the issues of survival; the impact of resources on livelihood of local people; the state of the environment and the interrelationship between the people, their environment, and others, such as corporations, governments, and international agencies.

FINDINGS FROM THE SURVEY

After six months of traveling from community to community and from one ecozone to the other, the surveyors returned to Benin City, where ERA Headquarters is located, to do an analysis of the findings.

From the surveyors' report, ERA management noted the following as urgent problems needing attention:

- The heavily polluted environment of the region.
- The unacceptable poverty in the communities.
- The role of corporate entities doing business in the region.
- The lack of federal and state government involvement.
- The lack of accurate environmental information on the Niger Delta.
- A frightened populace occasioned by the Niger Delta-wide militarisation programme.
- Hopelessness and voicelessness in most parts, and anger and frustration generally.
- Inter- and intra-communal conflicts.

FAVoured TOOLS AS VEHICLES FOR CHANGE AND INTERVENTION

Based on ERA's understanding of the situation, the following tools were adopted to facilitate the return of the Niger Delta to ecological health and its people to the path of hope and happiness.

Resistance: In 1999, ERA/FOE Nigeria hosted the Oilwatch Africa Conference and General Assembly in Port Harcourt where a definition of "resistance" was unanimously adopted. To ERA and all the groups who attended, "resistance" in the environmental context means "*the right to say no and mean it in defence of our collective environmental and human rights in order to achieve positive change.*"

Resistance the ERA way is anchored on *direct action*: peaceful protests; naming and shaming; blockade; and occupation of facilities, offices, and properties belonging to the

agents, actors, or initiators of environmental damage that affects local people and their environment.

Strategic Information Access and Provision (SIAP):

Access to information is vital to any serious campaign. For the environmental and human rights struggle in the Niger Delta, access to environmental rights information is therefore imperative. ERA tries to get information from corporate actors, the local environment, the communities, allied organisations abroad, and other potential sources, and makes such information available to all. ERA designed and put into place the Delta Information Services of the Environmental Rights Action (DISERA). Through this vehicle most of the information as it affects the Niger Delta is received and disseminated.

The DISERA publishes the *Niger Delta ALERT*, a monthly bulletin in hard copy, and distributes it electronically through the Internet to the world. Newspapers and magazines do cull items from it and may follow up on some of the issues depending on interest. DISERA also publishes a quarterly journal called *ERACTION*. The journal targets results from new research, findings, and analysis of environment and development issues in an in-depth way.

Also, our strategic information programme ensures that local people interact with people outside their immediate environment. We have platforms like the *environmental testimonies*, which ensures that local people have their voice heard nationally and globally. The *ERA Field and Monitor Reports* ensure that environmental events or actions are noted, celebrated, or condemned as field officers and monitors dispatch the information.

Community Empowerment: ERA works in partnership with the communities to identify local problems through Participatory Rural Appraisal (PRA) and also in setting up community based institutions as agencies for change. Some of the earliest tools in this regard were the Community Resource Centres (CRC) and the Rural Environmental Action Project (REACT).

The CRCs are in the main focuses of self-help. A typical CRC may contain a meeting room, a small library with essential books for local teachers and students, and a micro-credit scheme for the community. The CRC is managed by the CRC Board of Trustees made up of all sectors of society. The Board discusses community problems, including environmental, economic, education, or political, and works to resolve them. . . . The goal of the CRC is to mobilize local action for economic, environmental, and educational security as well as sustainable development and peaceful co-existence.

Lobbying: ERA sometimes uses this tool as a vehicle to achieve the objectives it has set for itself. In practical terms, it involves lobbying government agencies like the National and State Assemblies on the need for them to enact laws or review existing laws to protect the people and their environ-

ment. ERA also works in collaboration with international agencies to provide local information that may help to bring pressure to end unhealthy practices.

Mass Education: Facilitating workshops, seminars, and conferences is one ERA's means of providing the opportunity for cross-sectoral interaction and education.

Networking and Alliance Building: Noting the interconnectedness of environmental problems and observing that agents of environmental damage may have common ancestry, ERA aligns with existing networks or helps to form one in collaboration with others. Such networks or alliances become avenues for sharing information and strategies (if not tactics), and coordinating joint actions to address environmental problems.

ERA is a member of the Friends of the Earth International, a global environmental movement in over 60 countries. The group also is part of Oilwatch International, an anti-fossil fuel group working to protect local people impacted by oil and gas production. ERA works with groups and institutions such as the Civil Liberties Organisation (CLO); Human Rights Watch; Amnesty International; Institute for Policy Studies (IPS); the Bank Information Center (BIC); the Ecumenical Community for Corporate Responsibility; the International Rivers Network; Project Underground; Rain Forest Action Network; the Swedish Society for Nature Conservation; and a host of others. The goal of such networks and alliances is to work for justice, whether environmental, social, or economic.

Litigation: The threat of legal action and the actual suit itself can be deterrents if litigation is not stalled by technicalities deliberately woven into laws to make them impotent.

There are a number of cases instituted in the name of leading members of ERA on a variety of issues, including environmental impact assessments (EIA), natural resource use and management, and environmental justice.

ADVOCACY TOOLS IN ACTION

Choosing the Tools: Choosing any of the above listed tools will depend on a variety of factors including:

- The climate and culture of the locality.
- The issue and the actors involved.
- The urgency of the matter needing resolution.
- The history of the instigator of the problems.
- The interplay of forces in contention for change or no change.
- The availability of resources.
- The possibility of a holistic, rather than partial, resolution.
- Justice.

OBSTACLES

It could be that the stage of our development may have played a role in the high incidence of human rights violations targeted at local people and ERA activists. The social and political structure is therefore an identified obstacle.

Corporate attitudes and the colonial political heritage, which has yet to be restructured to give forth true democracy and accountability, are other obstacles.

Poverty, illiteracy, and inadequate consciousness have also been identified as obstacles working against ERA's dream of a Niger Delta of sustainability. Some local people are susceptible to being influenced by a few dollars so as to create division and infighting. . . .

There are also not enough resources to carry out the advocacy the way we at ERA would want to do it. We are limited by lack of funds, because donor agencies do not want to fund things that resemble "radicalism." Inadequate, and sometimes absent, telecommunication facilities hamper our work as well. How do you send an email to your partner when there is no electricity?

RECOMMENDATIONS

To groups and individual wanting to use any of the tools described above, the following must be borne in mind.

Human resource asset: No advocacy tool can succeed without a commitment from those who are to use it. The people must believe in the struggle or issue that is the subject of the campaign. It is better to take time and identify the human beings, and train such persons well in the use of the tools, than to rush into a campaign hoping that you will get efficient along the way. The campaign will collapse and many lives will become endangered by such ill-preparedness. Also, there must be new challenges and innovations so that the human resources are at all times motivated.

Use of Tools: Under no circumstance must campaigners depend on only one set of tools. What is best is a combination of several tools at any given time.

Do not worry much over setbacks: That you cannot win all the time is a well-known saying. When you lose, let the loss be a reference point for hard work, not a setback. You will become entrapped in the setback and will not make progress. Always ensure that there are reviews so as to present the opportunity for advocacy reflection. Some tools may disappoint at some point. Do not blame the tools. Look at whether the right tool was used in the right way under the circumstances.

Know when to declare "it is all over": You can continue to advocate until justice is done but you must also know when to make peace with a repentant environmental transgressor. When the horse is dead, do not beat it.

1.5 ADVOCACY “TOOLS”

The rest of this handbook provides an overview of the tools that may be available to advocates in Africa. It also provides examples describing how advocates have used these tools in Africa and elsewhere. The handbook is intended to explore environmental advocacy broadly, and in so doing, to offer ideas and inspiration to advocates and to people considering advocacy.

The handbook presents a wide array of tools and approaches for advocacy. Case Study #1, on pages ????, describes how a variety of tools were used by advocates seeking to protect the environment and defend human rights in the Niger Delta. As a result, not all of the tools discussed will be available to advocates in all circumstances. In some cases, the law of a country will not permit the use of a tool (for example, not all countries provide for a right to obtain information from government officials). In other cases, the tool may exist but be available in only the rarest of circumstances. Internet access, one of the most powerful tools for networking with other advocates and collecting information, is impractical for many advocates because of its high cost, limited availability, and unreliability in many places. Finally, some of the tools and approaches discussed here are likely to be more accessible to advocates in urban areas than those in rural areas. In particular, the urban advocate is likely to have quicker and cheaper access to communication systems (such as telephones, fax machines, and the Internet) and transportation (by car, train, or airplane) than the rural advocate. However, tools that depend on improved technologies and modern, public-spirited laws have, in recent years, become increasingly available in Africa. The handbook surveys a variety of tools with the hope that these trends continue.

The handbook does not, however, attempt to describe all of the uses of any one tool exhaustively. Entire books can be—and in many instances have been—written to address the use of some of the tools explored here. A detailed treatment of each tool is beyond the scope of this work.

1.6 CASE STUDIES

Excerpts from case studies contributed by advocates working in Africa appear throughout the handbook. Each case study excerpt discusses the use of one or more advocacy tools in the context of a specific problem. The full text of these case studies will be posted on the website of the Africa Program of the Environmental Law Institute (www.eli.org/africa/). The views expressed in the case studies do not necessarily reflect the views of the Environmental Law Institute or any other organization.

1.7 HANDBOOK DOES NOT PROVIDE LEGAL ADVICE

This handbook is not intended to provide legal advice of any kind. Its authors do not, in producing this volume, intend to establish an attorney-client relationship with anyone who reads or uses the handbook. These materials are for informational purposes only. Any reader uncertain of his or her rights under the law should consult a lawyer.

1.8 HANDBOOK TOOLS SHOULD NOT BE USED TO VIOLATE THE LAW

The use of some of the tools discussed in this volume may be illegal in some African countries. Even when they are legal, local conditions, or even common sense, may dictate that certain tools not be used. Nothing in this handbook should be understood to encourage the violation of law or local norms.

1.9 THINGS CAN AND DO GO WRONG

Chapter 10 discusses the potential dangers inherent in any advocacy campaign. It also describes some of the ways that advocates can try to prevent, minimize, and respond to these dangers. Advocates should always work prudently and be alert to the dangers that advocacy can pose to their personal safety and livelihood, as well as to the safety and security of their family and associates.

OTHER RESOURCES

The Community Tool Box. The Tool Box contains documents written in simple language that explain how to do many different tasks necessary for community health and development. It is designed for an American audience, but African advocates may find many of the tools helpful. The Tool Box is on the Internet at <http://ctb.lsi.ukans.edu/>. It was created by the University of Kansas Work Group on Health Promotion and Community Development and AHEC/Community Partners.

Pact. Pact's mission is to help build strong communities globally that provide people with an opportunity to earn a dignified living, raise healthy families, and participate in democratic life. Pact achieves this by strengthening the capacity of grassroots organizations, coalitions, and networks and by forging links among government, business, and the citizen sectors to achieve social, economic and environmental justice. Pact works in many countries throughout Africa. Pact is on the Internet at <http://www.pactworld.org/text/>. The mailing address for Pact headquarters is 1200 18th Street, Suite 350, Washington DC 20036.

CHAPTER 2

PREPARING FOR ENVIRONMENTAL ADVOCACY: TOOLS FOR COLLECTING INFORMATION

Every environmental advocacy effort must be based on sound and accurate information. This information may be scientific, legal, economic, or of another nature. Good information provides the advocate with a basis both for informing the public and for participating in decisionmaking processes. This Chapter discusses the need to collect information and describes specific tools that advocates can use to do so.

OVERVIEW

2.1 WHY COLLECT INFORMATION?

Collecting information is the most important first step so an advocate thoroughly understands the issue. Information may change an advocate's goal or strategy and may be useful in identifying allies or opponents. If an advocate acts before understanding an issue, he or she may be embarrassed by opponents and deemed unreliable by decisionmakers.

It is important to understand potential opponents' positions and the positions of any decisionmakers as well. This may help an advocate identify areas of common understanding or areas where agreement will not be possible. It will make the advocate more effective by allowing the advocate to understand why opponents act the way they do and, perhaps, to find a solution acceptable to all parties.

2.2 WHO COLLECTS INFORMATION?

Unlike taking a case to court, which almost always requires a lawyer, gathering information is something almost anyone can do. For example, in determining whether a particular water body is polluted, community members can count dead fish and identify the potential sources of pollution. There are, of course, established procedures and techniques for collecting many of the types of information discussed in this Chapter. Moreover, the significance of any information gathered—and the weight that a court or the public will give it—often depends on how carefully and comprehensively the gathering has been done.

Collecting some types of data may require expertise. For example, investigating the concentrations of particular pollutants may require the expertise of scientists and experts. If the advocate can pay a scientist or other expert to collect the necessary data or information, this is advisable. In some cases, experts may also be willing to volunteer their time and laboratories. In addition to private consulting firms, both domestic and international NGOs, as well as universities, frequently have scientists on staff who can provide necessary technical expertise.

2.3 WHAT SORT OF INFORMATION?

Helpful information comes in many forms: physical samples, numerical data, legal and policy research, corporate records, public opinion polls, etc. It is important to be

CATEGORIES OF INFORMATION TO CONSIDER

- *Information about the status of the environment*, as contained in soil samples, water samples, habitat surveys, wildlife surveys, photographs, research articles, etc.
- *Information about past, ongoing, and future activities that may affect the environment*, such as a company's plans to begin mining or logging in the near future.
- *Information about actual environmental effects*, such as data relating to public health, data on toxic chemicals, ecological surveys, and data on fish kills.
- *Information about key actors and decisionmakers*, such as possible conflicts of interest.

creative in considering the types of information that could be useful in addressing an environmental problem. An advocate also should consider how multiple types of information might fit together to support a broad advocacy campaign.

In deciding what types of information might be helpful in understanding, explaining, and solving an environmental problem, it is useful to follow a journalistic approach and to ask questions beginning with each of the following words: *who, what, when, where, why, and how*. The answers to these questions will provide guidance in the development of information, as well as the potential sources for that information.

2.4 PLACES TO LOOK FOR INFORMATION

Sources of information are as varied as the types of information. Information can be located in the field; in books and on the Internet; in corporate and government files; in public libraries and archives; and in the minds of community members, NGO staff, and scientists. It is important to be open-minded when considering both potential sources of information and possible means of using those sources.

Some of the best information may be available from public resources, such as a library. An advocate can look to newspapers and reference materials for information about a subject. While this chapter discusses more complex ways of gathering information as well, the more simple route of going to a library or interviewing knowledgeable people may be as effective.

2.5 RIGHT OF ACCESS TO INFORMATION IS SOMETIMES ACCOMPANIED BY A RIGHT TO COMMENT ON THE INFORMATION

In some instances where the government makes information available—for example, through a permitting process or an environmental impact assessment (EIA) process—the right of access to information is accompanied by the right to comment on that information. These tools are discussed in Chapter 4.

2.6 TIME AND COST CONSIDERATIONS

Although the tools discussed in this Chapter provide useful ways of collecting information under different circumstances, the tools vary greatly in terms of the time and money required for their successful use. For example, in many instances the tools used to gather information through a lawsuit may be too expensive to use. On the other hand, gathering samples or specimens in the field by hand is free, although there may be fees for having a laboratory analyze the samples. Similarly, the time required for government information-gathering processes may be an obstacle when information is needed quickly.

Internet research is nearly instantaneous—but remains largely unavailable for many African advocates.

Advance planning is crucial, whether for a public outreach campaign, a lawsuit, or some other form of public participation. If a great deal of time will be needed to gather the necessary information, an early start and a defined strategy will help to ensure that information is fully developed sooner rather than later. Along the same lines, if early planning suggests the need for expensive information-gathering tools, a prompt understanding of this reality can help the advocate weigh the cost of this need against the cost of other needs. As with other tools, considerations of time and expense must be weighed against the likely gains from using information-gathering tools.

LEGAL TOOLS FOR OBTAINING INFORMATION

Sometimes the laws in a country provide the advocate with tools for obtaining data and information. The existence of these tools varies from one country to the next.

2.7 CONSTITUTIONS

In some countries, the *constitution* provides a fundamental right of access to information. Under Tanzania's constitution, for example, every citizen has the right to be informed about events taking place within the country and around the world, especially social issues and events that are important to the life and livelihood of the people. Many African nations have constitutional provisions that guarantee everyone the right to receive or impart information or ideas. This right usually includes the freedom to receive ideas and information without interference.

In South Africa, the constitution guarantees “the right of access to any information held by the state; and . . . by another person . . . that is required for the exercise or protection of any rights.” When read together with South Africa's constitutional right to a healthy environment and life, this constitutional provision ensures the public's right to the information necessary for environmental advocacy. In an important legal case, *Van Huyssteen v. Minister of Environmental Affairs & Tourism*, South African trustees of a tract of land adjacent to a lagoon filed a case seeking to gain access to government documents about a steel mill that the government planned to build near the lagoon. A South African court, interpreting the right of access to information provisions in South Africa's constitution, ruled that the trustees had a right to obtain the documents.

The Indian Supreme Court also has recognized a broad right of access to information. In the case of *S.P. Gupta v. President of India*, that court ruled that a constitutional right of access to information is a necessary part of the constitutional right to free speech and expression, as well as the constitutional right to life. (African judges sometimes look to Indian judicial decisions to help them decide similar cases).

Although constitutional protection of access to information is a powerful tool, use of this tool typically requires the expensive and time-consuming step of filing and pursuing a lawsuit.

2.8 FREEDOM OF INFORMATION LAWS

Some countries have laws that specifically provide for citizen access to information. These laws typically take the form of *freedom of information laws* or *community right-to-know laws*. These laws provide a process by which advocates can try to gain access to information held by the government, unless the type of information the advocate needs

is specifically protected from disclosure. Typical exemptions relate to trade secrets, issues of national security, and investigation materials. The Freedom of Information Act (known by its abbreviation, “FOIA”) in the United States is one of the oldest of such laws. Community right-to-know laws are also found in a growing number of other countries. These laws give governments an affirmative duty to collect information on matters such as the use or discharge of industrial pollutants and to disseminate the information to the public.

In Africa, freedom of information laws and community right-to-know laws are generally scarce, aside from constitutional interpretations identifying such rights. In fact, one of the impediments to the development of freedom of information laws in Africa is the existence of official secrecy laws, such as Kenya’s Official Secrets Act. There are encouraging signs, however. South Africa, for example, has passed the Promotion of Access to Information Act of 2000. This law gives a right to information from government and private bodies and places an obligation on them to disclose information on environmental damage. In addition, South Africa’s National Environmental Management Act of 1998 specifically provides for a right of access to environmental information.

2.9 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Another formal procedure for gathering information on environmental matters comes in the form of an *environmental impact assessment*, or “EIA,” which is prepared by a project developer or by the government. Generally, this process allows citizens to gather information on the environmental, social, and economic impacts of proposed projects, as well as on measures to mitigate, or lessen, the adverse effects of such projects. Often, but not always, citizens are allowed access to the underlying data on projects and activities. The topic of EIAs is explored in greater detail in Chapter 4.

2.10 PERMITTING

Permits are government-issued documents that authorize the undertaking of a specific activity, such as siting a facility or discharging a pollutant. The permit application process, as well as conditions for the issuance of a permit, can serve as an important source of information on the nature of the activity to be carried out. In some countries, such as the United States, information about permits and permit applications is made publicly available.

Permitting and permitting procedures have not been fully incorporated into the law and practice of many African countries. In Kenya, for example, the Environmental Management and Coordination Act requires local authorities and others to obtain an effluent discharge license before discharging pollutants into the environment. The law allows concerned members of the public to comment on license applications, and this could provide an opportunity for citizens to gather information concerning proposed activities and their environmental impacts.

In situations where permitting laws do not exist, or where they exist but may not be fully effective, citizens can sometimes turn to broader constitutional provisions for the right to health, environment, and life, as well as those guaranteeing freedom of information. For example, as discussed above, in *Van Huysteen v. Minister of Environmental Affairs & Tourism*, a South African court ruled that trustees of a tract of land adjacent to a lagoon that would be polluted by a proposed steel mill had a right to government-held documents relating to the proposed mill.

2.11 LAWSUITS

A *lawsuit* provides a powerful, if expensive and time-consuming, means of gathering information from an opponent. *Discovery* is the extensive process of obtaining information about the case from other parties to the lawsuit to aid in the preparation of one's own case. Standard discovery tools include: subpoenas ordering the production or disclosure of witnesses and evidence; depositions (interviews under oath) of witnesses; issuance of interrogatories (questions that must be answered in writing); requests for document production; and other methods of obtaining information. The proper use of discovery tools almost always requires the assistance of a lawyer.

On the basis of a constitutional right of access to information, courts in some countries have recognized a so-called *habeas data* application and issued orders compelling the government to furnish information it had previously declined to release. In the Peruvian case of *Sociedad Peruana de Derecho Ambiental v. Ministerio de Energia y Minas*, for example, an NGO convinced the court to order the Peruvian government to release documents and information on a mining operation that the government had previously refused to release. The NGO based this argument on the legal idea of *habeas corpus*, which is an order that a detained person be brought before a court so that the court can determine the legality of the detention.

INFORMAL TOOLS FOR OBTAINING INFORMATION

2.12 MAPPING

Mapping is the graphic representation of all or part of a geographical area. Capturing information on a map can be persuasive, and it also provides an excellent way for communities to make a historical and cultural record of their way of living on the land. A community can use maps to display where its land is and how its resources are used. For example, community members can show where they collect food and medicines from the forest. Maps can also help to show how land has changed over time and how it might change in the future. In addition, maps help to determine the extent of a community's territory, reveal what people value and use in an area, assist in identifying an area's special or sacred places, and identify contaminated sites for clean up. Special care should be taken in determining whether and how to map areas of religious significance.

There are different techniques for mapping. The easiest and cheapest way to map an area is by hand. For example, mapping can be done simply by drawing pictures of land boundaries, forest areas, rivers, or villages on a chart. GPS (Global Positioning Systems) can also be used to produce accurate, detailed maps. While the costs for GPS may be

THE POWER OF MAPPING: THE NATURAL HERITAGE NETWORK

The Natural Heritage Network consists of 75 independent centers for the collection of data about plants, animals, and ecological communities in the Western Hemisphere. Every state in the United States has a Natural Heritage program, whose purpose is "to gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. Natural Heritage programs are the leading source of information on the exact locations and conditions of rare and threatened species and ecological communities."

Maps containing Heritage data are powerful tools. These maps provide users with an understanding of which areas contain threatened and endangered species and habitats that should be avoided by development activities. Heritage information is used by developers, businesses, government agencies, local governments, and environmental advocates.

—Source: NatureServe (formerly Association for Biodiversity Information),
January 2001

high, they are continually decreasing in price and are worth considering where the advocate has sufficient resources.

Mapping can also be done by “remote sensing,” a process that involves taking of photographs, pictures, or images from afar. For example, photographs can be taken from an airplane. A satellite image can also be generated using a computer. Much of this information is commercially available from companies advertising on the Internet. Information to be represented on a map can be obtained once, or at different times for purposes of comparison (to help identify and illustrate any changes in the environment). In choosing a mapping technique, the advocate should consider the purpose of the map and available time and resources. Using technology for mapping can, of course, be too expensive for many advocates.

If an advocate chooses to seek outside assistance with mapping, it is crucial that copies of all of the original materials, such as hand-drawn maps, be kept safe. These are valuable and will be difficult or impossible to reproduce if outside organizations misplace or destroy the originals.

2.13 INTERNET

The Internet is another useful source of information for environmental advocacy. Through websites and electronic mail, individuals and communities can access, use, create, and disseminate important environmental legal, scientific, corporate, and technical information. For example, advocates can use the Internet to obtain information on the potential impacts of toxic chemicals, or to track the records of multinational companies and their behavior locally, regionally, and elsewhere in the world. Advocates also can use the Internet to obtain useful information on environmental laws and cases from countries with similar laws.

The Internet is also proving to be a valuable networking tool. Through the web, citizens and communities wishing to take up action to protect their health and environ-

ment can find and consult with like-minded organizations and individuals with legal, technical, and scientific experience around the world. The accompanying Box contains some websites that may be helpful to the environmental advocate.

USEFUL WEBSITES FOR ENVIRONMENTAL ADVOCATES

Environmental Law Institute (ELI)	http://www.eli.org/africa/
FindLaw	http://www.findlaw.com
FAOLEX	http://faolex.fao.org/faolex/
E-LAW	http://www.elaw.org
UNEP World Conservation Monitoring Centre	http://www.unep-wcmc.org/
IUCN (The World Conservation Union)	http://www.iucn.org/
Greenpeace	http://www.greenpeace.org/

2.14 COLLECTION OF DATA, SPECIMENS, AND PHYSICAL SAMPLES

It is sometimes necessary to go into the field and collect scientific data, specimens, or physical samples. For example, a community may wish to gather information on the level of pollution in a river resulting from an industrial facility’s discharge. To create a basis for comparison, water samples could be taken both upstream and downstream from the facility. Similarly, a community could count dead fish or dead cattle in a particular area to demonstrate the effects of sudden toxic releases or chronic toxic accumulation. It is also useful to take photographs of environmental change or destruction. Often, a dated newspaper is included in the frame of the photograph to establish when the photo was taken.

It is important that collectors of information, whether professionals or ordinary citizens, gather information carefully and maintain detailed records. The quality of samples is crucial, so care should be taken to avoid contamination. A log should be kept containing important information, such as the date, time, and location where the sample was collected, as well as the identity of the collector. In the case of photographs, exact information as to location, time, and direction (“looking east from...”) should be maintained. A log should be kept of who possesses the samples, during what period of time, and for what reasons (for example, collection, analysis, archives, etc.). These records will be important if a lawsuit is filed and the advocate wants to use the samples as evidence.

If an advocate believes the samples may be used as evidence in a lawsuit, an attorney should review the plan to collect the samples first.

These records also help to reaffirm the credibility of the information and those who gathered it. Any communications with industry, government, or other individuals regarding the gathering of samples should be carefully logged and recorded and should include date, time, and method of communication, as well as the name and position of the person contacted.

Timing of collection can vary. In some instances, collections may need to be made over months (or even years) to monitor environmental improvement or degradation. To the extent possible, investigators should try to make repeated observations (photos, counts, collections, etc.) under the same circumstances. That is, observations should be made at the same location, time of day, water depth, etc. Sometimes, however, collections might be carried out in response to a sudden occurrence, such as at the scene of an environmental disaster. A collector should attempt to undertake the highest quality sampling possible under the circumstances.

Environmental advocates should always bear in mind possible impediments to successful field collection. These might include the difficulty of obtaining access to information on private lands and the cost of having samples analyzed. Causation is also important to consider. Merely demonstrating an association between an action and a harmful result is not necessarily enough to prove that the action caused the harmful result. When possible, communities should consider partnering with universities and other research institutions, not only to benefit from their expertise, but also to defray the costs of information gathering.

Case Study #3, on pages 32-33, explains how physical samples were used in a campaign in South Africa to end pollution from a tannery.

COLLECTING AIR SAMPLES IN SOUTH AFRICA

A good example of collecting physical samples comes from South Africa. GroundWork, a CBO in Durban, took air samples to measure pollution levels near a petroleum refinery. In partnership with Communities for a Better Environment (CBE), an American organization, GroundWork used a program called “Bucket Brigade.” Developed by CBE, this easy and inexpensive technique requires the use of special five-gallon buckets to collect the air samples. CBE provides technical support and training for communities to measure air pollution around refineries and chemical plants. As a result of the project in Durban, the refinery agreed to measures to reduce pollution from the facility.

2.15 BIOLOGICAL SURVEYS

A *biological survey* is an assessment of the number, variety, and density of different plants and animals. This assessment can take the form of a census in which the numbers of plants and animals are periodically (for example, once a year) recorded and any changes noted. This process helps to track changes in populations. Problems with this tool can arise when determining which animals to count and in avoiding counting the same animal twice. One technique is to survey a sample plot; that is, to count plants or animals in a one or ten hectare area. The advocate is well served to seek guidance from sources such as

CASE STUDY #2
SOUTH AFRICA: RESPONDING TO POLLUTION FROM A TANNERY

Summary of a Case Study by Willemien du Plessis
 Faculty of Law, Potchefstroom University for CHE (South Africa)

BACKGROUND

Hichange Investments is the owner of land in a township in Port Elizabeth, South Africa. They lease their property to a company named Southern Star that delivers motor vehicles manufactured by the Delta Motor Corporation. The vehicles are driven to the facility, where they are formed into convoys for delivery to various destinations. The vehicles are kept for long periods on the premises and have to be protected from the elements.

A railway line and railway reserve (an open area between the railway tracks and the surrounding land) separate the facility from Pelt Products, which carries on a business as a semi-processing tannery. This business converts cured raw hides and skins into mineral-tanned bovine (cattle) and pickled ovine (sheep) pelts. These pelts are supplied to tanneries with finishing facilities. The tanning produces chemical waste products, such as malodorous hydrogen sulphide. Under South African law (the Atmospheric Pollution Prevention Act of 1965), the use of hydrogen sulphide in industrial processes requires a registration certificate from the chief atmospheric pollution control officer (“chief officer”).

Until 1996, Pelt Products disposed of their effluent by way of the municipal sewage system and two effluent aeration ponds. It was alleged that since 1996 the ponds had caused odours and pollution. The municipality, however, had received complaints since 1993.

The Council for Scientific and Industrial Research (CSIR, a government-funded research institution), at the request of Hichange, conducted a survey to determine the cause of the odours and pollution and look at their potential health effects. It was found that the pond was the main contributor of the pollution and that the hydrogen sulphide level measured up to six parts per million. This level violated public health exposure standards and occupational health exposure limits. It was found that corrosion on Hichange’s premises was also caused by hydrogen sulphide.

In 1998 a lobby group, the Pollution Monitoring Commit-

tee of Port Elizabeth, took the case up with the chief officer. They invited him to a meeting and informed him that they obtained a legal opinion from their lawyers, stating that Pelts Products needed permission to operate. They also informed him of the effect of the pollution. The chief officer then ordered Pelt Products to apply for a permit and laid down certain conditions. Pelt Products was also ordered to appoint a consultant to assess its operations and to draw up an abatement programme.

The consultant proposed a treatment process that involved considerable modifications to the process used by Pelt Products. Pelt Products was given until the middle of 1999 to implement the new process. A provisional registration certificate, which included certain conditions, was issued for a period of three months. At the end of the three-month period, Pelt Products had not met all the requirements. Negotiations among the local municipality, the provincial department of environmental affairs, and the chief officer resulted in the provisional certificate being extended from time to time.

Hichange then wrote a letter to the Human Rights Commission complaining about the pollution. The chief officer was asked to comment on this letter. He agreed that the tannery still did not meet the required standards and that he would visit the tannery during May 2000 to perform a full assessment of the situation.

On 24 May 2000, the city engineer’s department reported that Pelt Products still did not meet the requirements and that the aeration tank was not operating properly, contributing to the release of hydrogen sulphide.

Hichange approached the High Court on 8 August 2001 for relief.

The court ordered the Department of Environmental Affairs and Tourism to force Pelt Products to undertake an environmental impact assessment and to take proper steps to prevent further pollution. The Department also had to ensure that Pelt Products complied with the registration cer-

reference books, scientists, and community-oriented handbooks before undertaking anything more than a simple survey.

2.16 GATHERING POPULAR OPINION (POLLING)

A number of tools can be used to determine *public opinion* on a particular issue. An accurate sense of public sentiment can make other advocacy tools more effective. For example, knowing the public mood can assist the advocate in negotiating the settlement of a lawsuit or in launching and sustaining a media campaign.

tificate issued in terms of the Atmospheric Pollution Prevention Act of 1965, as well as with the provisions of the National Environmental Management Act of 1998.

GOAL OF ADVOCACY

The goal was to stop Pelt Products from operating, or at least to force the company to reduce the environmental and health impact of its activities and to comply with the conditions set out in the registration certificate.

SUCCESS OF EACH TOOL

Research and information gathering: The research information on the pollution levels convinced the chief officer to act. Hichange also made use of this information in the court case, but the court did not accept it as evidence as the report was not accompanied by sworn statements. In other words, the information did not comply with the court's rules of evidence.

Lobbying by an environmental action group: An environmental lobby group, the Pollution Monitoring Committee of Port Elizabeth, took the case up with the chief officer. They brought to his notice that the tannery was not complying with the Atmospheric Pollution Prevention Act and that it was operating without a registration certificate. The chief officer took action after hearing their complaint.

Letters petitioning government departments to take action: On all occasions when complaints were lodged with government officials they acted upon them. The success of the government officials' actions varied, as is apparent from the background above.

Complaint to the Human Rights Commission: The Human Rights Commission took up the case but stopped with the chief officer, when they were satisfied that he would take legal action. The Human Rights Commission must implement and enforce the human rights provided for in South Africa's Constitution. One of the rights is the right to an environment that is not harmful to one's health or well being. The Commission did not receive any more complaints after the initial one. It seems that the action taken by the Human Rights Commission was ineffective or only partially effective.

Legal action: The legal action was partially successful in that the court ordered the Department of Environmental Affairs and Tourism to take action against Pelt Products. The court, however, again ordered government officials to

act. From the history of this case it is clear that the government officials' actions in the past had not achieved much. An activist court would have ordered that all operations be halted until Pelt Products could prove that it was able to comply with all the conditions laid down in the registration certificate. The court's order that action be taken to prevent any further pollution was correct, but should have been given simultaneously with an order to stop all operations until Pelt Products could comply with the conditions in the registration certificate.

LESSONS LEARNED

If a matter dealing with pollution is put before court, it is important to prove the pollution by way of the correct court procedure. For example, one should use sworn witness statements and evidence from experts. It is also important to bring to the court's notice the latest information on the pollution or emission levels. If a country's Constitution provides for environmental rights, the advocate should rely heavily on these rights to ensure success.

Hichange, being a private company, acted not only in its own interest, but also in the public interest. The fact that their own interests were negatively affected by Pelt Products actions indirectly benefited the community. In this instance Hichange bore the costs of litigation and was a surrogate for the interests of the local community. If a community is therefore involved in environmental advocacy, it is important to involve private companies that may also be affected by pollution or environmental degradation. By creating partnerships between these private companies and communities, the private companies might be prepared to contribute to the costs and to add their voice to the local communities' voices. Private companies have more resources and, because they provide jobs and development, a stronger bargaining power with government.

CURRENT STATUS

As of July 2002, Pelts Products complies with the conditions set out in its permit. The ponds containing waste were drained, and it seems that a waste incinerator will be installed to dispose of the waste. The complaining company is monitoring the situation and says it will go to court again if necessary.

Polling can be conducted to solicit answers from a representative sample of the population selected at random. Petitions can be circulated for signature to demonstrate to decisionmakers or adversaries the extent to which the community cares about an issue. Case Study #4, on pages 34-35, describes the work a petition played in a South African community's efforts to protect the Vredefort Dome from new mining activities.

The population can also be surveyed by sending questionnaires asking for views on a particular matter. In addition, a public referendum can be organized on an issue to gather public opinion. The advocate should bear in mind that the mere wording of a

CASE STUDY #3

SOUTH AFRICA: PROTECTING THE VREDEFORT DOME FROM THE EFFECTS OF MINING

Excerpts from a Case Study by Stephen de la Harpe
Faculty of Law, Potchefstroom University for CHE (South Africa)

BACKGROUND

During 1999, a gold mining company, Randfontein Estates Limited, intended to carry out open cast mining for gold in part of the Vredefort Dome structure in South Africa. The Vredefort Dome is the largest and oldest meteorite impact site on Earth. The mining was to be done in the area of the Dome Bergland Conservancy. The Conservancy comprises most of the landowners in an area of approximately 16,000 hectares, which forms a representative part of the Vredefort Dome structure.

At the end of December 1999, between Christmas and New Year's, a representative of the mining company informed the management committee of the Conservancy of its intentions to start mining in 2000. A meeting of the members who were not on holiday was immediately held. It was decided to oppose the proposed mining at all costs. Some of the management committee members who were in favour of the mining resigned.

GOAL OF ADVOCACY

The goal was to prevent mining of any nature in the vicinity of the Conservancy.

ADVOCACY TOOLS

An action committee was formed by the Conservancy to act on its behalf in opposing the possible mining. The action committee included members of the Conservancy and other interested parties, such as academics doing research in the area and geologists who had an in-depth knowledge of the impact site, known as an "astrobleme." The action committee initiated and coordinated all the actions to oppose the proposed mining.

The following tools were used:

- A petition;
- Awareness and interaction with the media, including television ("50/50"—a South African environmental television programme), radio, newspapers, and magazines;
- A meeting with, and submissions to, all political role

players, including the relevant MECs (member of executive council of province);

- Contact with and submissions to all relevant government institutions, including local, provincial, and national government;
- Insistence by the Conservancy that the mining company comply with all required procedures and processes provided for by the law;
- Discussions with Randfontein Estates Limited; and
- Lobbying for support with other environmentally oriented groups.

USE OF TOOLS

The petition was compiled by the action committee and distributed as widely as possible through individuals who supported the effort to oppose the mining. These included doctors, attorneys, nature conservation societies, angling clubs, and other societies with an interest in the area. The petition was also published on the Internet. The petition was not formally handed to anyone, but the number of signatures was quoted in dealings with the mining company, government officials, and politicians. The petition created awareness amongst the public and ensured to an extent that the officials and politicians listened to the submissions against mining.

The purpose of the interaction with the media was to obtain their goodwill and to ensure that the man on the street was aware of what was happening. This also ensured awareness by the government officials who dealt with the matter. In particular, the television program on "50/50" resulted in a lot of positive publicity. The program was thereafter frequently used whenever the importance of the Vredefort Dome's geology had to be emphasised.

A formal document setting out all the arguments against mining was compiled and used in dealings with government officials, politicians, and the mining company. This document also referred to scientific research in the area and was based on facts that would withstand scrutiny.

question can greatly influence the response. These questions should be worded in the most natural manner.

A crucial question in connection with the use of any of these tools is who comprises the relevant community whose "opinion" is being sought. Is the community local? Regional? National? International? Or is the relevant community a subset of another community (such as women)?

It is also important to note that many people will be unwilling to identify themselves on a petition or in a survey. Thus, advocates may need to rely on anonymous votes and comments. This fact, in turn, may affect the credibility and effectiveness of the informa-

The mining company was held to all procedures and provisions as set out in the relevant legislation. Whenever they ignored the law, the Conservancy, in writing, informed all stakeholders, including government, and threatened with court action.

Discussions were held with the mining company with little effect. The mining company appointed professional consultants to negotiate. In particular, their strategy was to promise money for the Conservancy and to change the discussions from whether mining should take place at all to how the effects of mining can be contained and repaired and to reach an agreement in that regard.

Other environmental groups were contacted, including SAVE (Save the Vaal Environment).

OBSTACLES FACED

The two greatest obstacles faced by the members of the action committee were a lack of time and a lack of funds.

Other obstacles encountered where:

- A lack of interest by the media and general public with the passing of time;
- Misinformation given by the gold mining company;
- Promises made by the gold mining company to provide immediate benefits for the community, such as funding for schools and clinics, as well as new jobs, as opposed to the long-term benefits of conserving the environment;
- The lobbying of political and governmental role-players by Randfontein Estates Limited; and
- A lack of commitment from and assistance by any institution outside of the Conservancy.

SUCCESS OF EACH TOOL

The combination of all the tools used—rather than one single tool—was effective.

The most important aspect was to create awareness of the area, especially regarding its unique geological features. This was done by means of the petition, the media, and representations to politicians, government officials, and interested parties. Because of the hard stance taken by the Conservancy, the mining company could not ignore it. In particular, the fact that the mining company knew that the Conservancy would not hesitate to go to the media, the

government, and to court if necessary, ensured that they, to a certain extent, kept in line. The company did take chances, like starting to dig trenches for prospecting without the necessary permits. When threatened with legal action they immediately stopped and apologised.

It is difficult to determine to what extent the Conservancy's efforts prevented the mining after the takeover by Harmony Limited. It can, however, safely be said that the efforts of the Conservancy ensured that Randfontein Estates Limited did not start mining as they intended. The timeframe given by Randfontein Estates Limited at the end of December 1999 was that they wanted to start mining during the second half of 2000. If they were left alone they would probably have succeeded in obtaining the necessary permits to do so.

LESSONS LEARNED

- Do your homework properly regarding the facts.
- Don't do anything half-heartedly.
- The opposition will use every dirty trick in the book.
- Don't expect that anyone else will do the work for you.
- Put everything in writing.
- Government officials do not always know their jobs.

CURRENT STATUS

Randfontein Estates Limited was taken over by another mining company, Harmony Limited, and the project was suspended. Other gold mining companies are from time to time still making attempts to start mining for gold in the area. They are, however, aware of the stance taken by the Conservancy and have up to now informed the Conservancy of their interest in the area. On each occasion, the Conservancy has in no uncertain terms emphasised that no compromise is possible and that all efforts will be made to stop mining. The Conservancy's arguments against mining, which are based on facts and not emotion, were at each instance given to the companies interested in mining and might have had a positive effect.

tion. While people may give more honest answers if they do not fear that they will be attacked for their opinions, a collection of anonymously submitted opinions may be challenged as unreliable.

2.17 COMMUNITY WATCHDOG GROUPS

Community watchdog groups often are formed to address specific issues, such as neighborhood safety or the building of a park. These groups provide another way to gather

relevant information. In the environmental context, these organizations generally focus on a specific natural resource, such as a river or a forest.

For example, the Chesapeake Bay Foundation (CBF) is a large non-profit conservation organization dedicated to the protection and restoration of the Chesapeake Bay in the United States. Watchdog groups such as CBF and local communities often create processes by which community members gather information to identify activities that are harming the environment. For example, CBF has engaged citizens in boat and canoe trips up and down streams along the Bay to collect water and biological samples for testing to determine the quality of water. On these trips, they also identify activities that could impact the environment, locating pipes that discharge into the waters, and so forth. Back at their offices, they compare their observations with the list of activities that

the government has permitted for the area to determine if anyone is illegally releasing waste into the waters. If pollution or other problems with the Bay environment are detected, the organization quickly distributes the key information to its members and surrounding communities through its newsletters and the mass media.

CAUTION!

Whistleblowing can be very dangerous. By encouraging or even working with whistleblowers, advocates may place themselves and others at risk of retaliation.

2.18 WHISTLEBLOWERS

Whistleblowers are people who work for a corporation or the government and, after seeing illegal activities, “blow the whistle” to attract public attention. Environmental advocates can benefit from making and maintaining relationships with potential whistleblowers in corporations and in government who are in a position to know if laws are being broken. Information on illegal corporate activities, government conflicts of interest, and the like, can be extremely valuable in explaining how and why certain environmental harms are occurring or are likely to occur. Whistleblowers can also provide such information to advocates or to members of the press.

However, working with whistleblowers is a risky way to gather information. Whistleblowers are frequently at risk of losing their jobs, and may sometimes face physical danger for their activities. Anyone choosing to work with them can face similar risks. Some countries, such as the United States and South Africa, have laws protecting whistleblowers from retaliation. In many African nations, however, whistleblowers do not enjoy legal protection. And in any country, whistleblowers may face serious risks from both management and co-workers.

OTHER RESOURCES

Center for the Support of Native Lands is a US-based organization that works to protect biological and cultural diversity in Latin America and has pioneered new mapping techniques in the region. The Center is on the Internet at www.nativelands.org. The mailing address is 1616 P St., NW, Ste. 200, Washington, D.C., 20036, USA.

CHAPTER 3

JOINING FORCES: THE IMPORTANCE OF BUILDING ALLIANCES

Successful advocates turn to colleagues, friends, and peers for support, guidance, and expertise. For most advocates, establishing alliances with like-minded individuals and organizations is one of the most important steps in any advocacy campaign. This Chapter explores the significance of building and maintaining alliances through networking (getting to know people) and building informal or formal coalitions.

OVERVIEW

3.1 WHY NETWORK AND BUILD ALLIANCES?

Although environmental advocacy campaigns are often driven by the dedication and passion of a handful of people, or even an individual, long-term success almost always requires the active advice and involvement of friends, neighbors, colleagues, and others. To help solve the complex environmental problems facing many African communities, individuals and organizations must work together, drawing upon varied resources and experiences.

3.2 THINKING BROADLY ABOUT POSSIBLE ALLIES

A natural starting point for identifying potential allies is to consider organizations and individuals dedicated to achieving similar goals as the advocate. It can be just as helpful, however, to search more broadly. Efforts to solve the environmental problems affecting a community, village, or region can unite unlikely interests. Environmental advocates may be surprised to learn how many organizations that seem to have different purposes share common interests and goals with their environmental counterparts. For example, environmental NGOs and CBOs may find that the change they seek is closely related to the aims of labor groups, religious organizations, youth groups, women's rights groups, or even tourism organizations. Building diverse, broad-based alliances can add credibility, strength, and valuable new ideas to the work of environmental advocates.

Sometimes the most valuable relationships are established between groups that do not appear to share many, if any, common in-

THE BENEFITS OF WORKING WITH ALLIES

- Creates strength and power in numbers by adding voices and resources
- Increases access to policy-makers
- Expands an advocate's base of information and expertise
- Creates new networking and partnership opportunities
- Generates cost-saving opportunities through economies of scale
- Allows for a division of labor and less duplication of effort
- Leads to an exciting sense of "synergy"—the whole is greater than the sum of its parts

– Adapted from *A Guide to Coalition Building*, by Janice Forsythe (<http://www.cypresscon.com/coalition.html>)

terests. In fact, a community's interest may even be aligned with those of a private company that is affected by the same problems as the rest of the community. As long as allies share a belief that a given change will advance their interests, the potential exists for a beneficial working relationship.

3.3 DISSENT

Complete agreement with one's allies is rarely possible, or even desirable. Dissent from loyal allies can help to strengthen an advocacy campaign. When allies disagree, it is usually best for everyone involved to talk about the area of dissent directly and honestly. If allies can reach a reasonable compromise, or even "agree to disagree," this may be in the interest of the alliance over the long term.

Disagreement can grow out of simple differences of opinion, or even simple misunderstandings. Sometimes, however, allies may come to disagree about much more serious matters, such as the goals of the advocacy campaign, the use of limited sources of funding, or other major issues. If agreement cannot be reached after a full and open discussion of the problem, the allies may decide to cease working together, or to work together in a more limited way.

The advocate must continue to assess whether working with particular allies is helping to advance the advocate's goals. A broad alliance with many interests can sometimes shift attention away from the advocate's goals. Similarly, a majority of partners may reach an important decision that the advocate believes is wrong. Long-lasting or intense disagreement may mean that it is time to reassess the value of the alliance.

3.4 LOCAL, REGIONAL, NATIONAL, AND INTERNATIONAL PARTNERSHIPS

The search for allies should not only be local, but also regional, national, and possibly even international in scope. Individuals and organizations operating at each level can bring important assets to environmental advocacy partnerships. Local organizations tend to possess a great deal of familiarity with problems and needs of specific communities, and to have constituencies within these communities. National and regional organizations focus on broader issues that are relevant to many different communities within a country or region and have experience conveying the importance of an issue to diverse constituencies. These organizations often understand how a local issue fits into the "big picture" at the national or regional level and have experience in working with and influencing national institutions. International organizations possess the expertise to raise awareness across national boundaries and to draw on financial and intellectual resources from other countries. They can also help to apply international pressure through the media and other institutions.

For instance, in the 1990's a Danish official aid agency, Danida, was attempting to turn a local cement factory in Matola, Mozambique (15 kilometers from Maputo) into an incinerator in order to burn stockpiled obsolete pesticides and other hazardous wastes. International environmental organizations including Greenpeace, the Basel Action Network (BAN), Essential Action, and the Environmental Justice Networking Forum (EJNF), decided to notify local residents of the plan and its potential environmental effects only to find out that the local community had not been meaningfully consulted about the plans for such an incinerator. Soon thereafter, local Mozambique activists formed Livaningo (meaning 'to shed light'), an environmental group that displayed signs and banners, distributed information and petitions, and pressured Mozambique and Danish officials to alter their plans. Believing that Danida's environmental impact assessment (EIA) was inadequate, Livaningo called for an independent EIA, which was conducted

and revealed major flaws in Danida's analysis. In the end, the local and international environmental coalition convinced Mozambique's environmental ministry to reject the plan to build the incinerator.

Alliances need not be "vertical" to be successful. That is, they need not be formed only with organizations working at a higher or lower level than the advocate's organization. "Horizontal" alliances, or alliances among organizations or individuals working at the same level, can also be powerful. In particular, individuals and organizations at the community level often work together to address common problems. Farmers in the Sahel region, for example, commonly organize through unions, cooperatives, and other organizations.

Case Study #2, on page [18-19] describes how different organizations worked together in the advocacy campaign surrounding the Chad-Cameroon Pipeline Project.

INFORMAL NETWORKING

3.5 WHAT IS INFORMAL NETWORKING?

Informal networking means developing contacts or exchanging information with others by way of informal contacts. Environmental advocates network to establish lines of communications with like-minded individuals and organizations, and by doing this advance their own causes. Networking also helps advocates to understand what work has been done on a topic, in their home country and elsewhere, and who is doing it. This prevents duplication and overlapping of efforts, and can save time and money.

Informal networking can be done in a number of ways: in person, by e-mail, over the telephone, or by any other means that people use to communicate. The alert advocate is open to all networking opportunities and should take advantage of all available networking opportunities—locally, nationally, regionally, and internationally. Ideally, advocates will have a good network of peers and resources already in place before they need one.

Everyone networks, whether or not they realize it. The discussion that follows explores how informal relationships can be developed and cultivated from an advocacy perspective. Although these comments provide guidance that will be useful in many contexts, advocates should remain aware that interpersonal relationships can be a sensitive area and should watch for cultural differences. For example, in some situations it is best to address business matters up front; in other contexts, it may be viewed as inappropriate or rude to bring up business issues too early in a conversation or relationship.

POTENTIAL NETWORKING CONTACTS

- Village associations
- Environmental advocacy groups and public interest organizations
- People who used to live in the advocate's country, but have moved to another country
- Members of donor organizations
- Issue-based international networks or coalitions (for example, those working on mining, dams, or trade in endangered species)
- Universities and law schools (which increasingly have law clinics providing free advice, and may also have technical personnel with laboratory access)
- Government officials and employees, particularly in environmental and natural resource ministries
- Politicians, especially at the regional, district, and local levels
- People in the private sector who support environmental work (morally, if not financially) and may at some point be able to provide technical, legal, public relations, or other assistance
- The media (see Chapter 6)

CASE STUDY #4

CHAD: THE CHAD-CAMEROON PIPELINE PROJECT

Excerpts from a Case Study by Delphine Djiraibe
President, Association Tchadienne pour la Promotion et la Defense des Droits de L'Homme

BACKGROUND

The Chad-Cameroon oil exploitation and pipeline project, commonly known as the “Chad-Cameroon project,” is about the extraction of oil from three oil fields in the southern part of Chad called the Doba basin, and the construction of 1070 km of pipeline from the Doba basin to the Atlantic coast of Kribi in Cameroon. The work is being done by the oil consortium made up of Exxon, Chevron, and Petronas. The World Bank, the International Finance Corporation, and other commercial banks are financing the project. The World Bank classified the project as a “category A project,” which means that the project carries a lot of risks. These include potential environmental degradation and human rights violations related to the volatile social and political situation in Chad. Therefore a comprehensive environmental impact assessment (EIA) was done.

The project was approved by the World Bank on June 6, 2000, and construction started on October 18, 2000.

ADVOCACY EXPERIENCE

Upon learning of the project, I contacted my colleagues, and they began working on the issue by organizing meetings, looking for information, and trying to harmonize their position. Above all, nobody was against the project. Everybody wanted the oil in Chad to be exploited, but everybody—except the government and its allies—also agreed that minimal conditions should be in place before the project was started. These include needed legal infrastructure; training of local people to deal with compensation issues; making information available for local people to educate them about the positive and negative impacts of the project; and encouraging the government to become more democratic and transparent in the management of funds and public affairs before the beginning of the project. Civil society organizations within the civil society advocacy network asked the World Bank to not finance the project before those conditions were in place.

[M]y friend from Amnesty International Germany . . . connected me with a senior economist from Environmental Defense, a US NGO, who has developed a campaign in the United States and in Europe around the project. . . . Meetings were set up, and an international network around the project was created.

ADVOCACY STRATEGIES

Many strategies have been used as the Chad-Cameroon pipeline project continues. Local NGOs have worked as a team to strategize, study the issue, and to try to understand what is going on.

The civil society network was composed of human rights organizations, development NGOs, women’s organizations, trade unions, and grassroots organizations. Meetings were

organized with the oil consortium made up of ExxonMobil as leader, Shell, Elf, the World Bank, and government representatives, to emphasize our demands and call for the moratorium. Press conferences and dinners were organized to talk to and lobby stakeholders.

At the international level, especially in the United States and Europe, a network of human rights organizations was established to lobby the World Bank and donor governments to vote for a delay of the project. Both the international and the national network were well connected, and the information collected on the ground was used in Washington, DC, the Netherlands, Germany, and France. We lobbied congresses and governments and the World Bank and tried to make taxpayers aware of the use of their money to support a questionable project.

The Chadian government can react only when information or demands are public, in the newspapers. It is for us important to make the Chadian government take a public position in order to have public debate on the matter. We did so by publishing press releases and by organizing non-violent demonstrations around the human rights violations related to the project. For example, we organized three days of mourning to protest against the massacre of more than 200 civilians killed by government soldiers within the oil region. The government reacted by closing down human rights organizations, but it received international community pressure and had to back down.

As a result of the advocacy work, the World Bank rejected the first environmental assessment done by the consortium as a requirement for the World Bank involvement in the project. Civil society demonstrated that the consultations were not done properly, and that the environmental impact assessment failed to provide effective answers to expected environmental degradation and human rights violations related to the project.

To provide a more detailed assessment on the environmental and social impacts of the project, 19 volumes of documents were produced. But again, these materials provided no adequate answer to civil society’s concerns.

The project was approved by the World Bank in June 2000. An International Advisory Group was established in February 2001 to monitor the implementation of the project in its new design.

LESSONS LEARNED

To work together in an efficient way, advocates must have common goals.

Members of our network had diverse interests. Some wanted to obtain contracts in the oil field, or wanted to work with the World Bank as consultants. Others wanted to preserve their relationship with the government. In this con-

text of diverse interests it was very easy for interested parties to influence people and to break down the network. We failed to find a common interest and stick to it while carrying out the advocacy work.

The international network worked better, because it had common goals. Members all worked in the fields of human rights or the environment, or both, and had adequate resources. They did not have to fear for their life because of the repression or insecurity and were not so worried about food, health care, and housing.

Advocates must have resources. For advocacy to be effective, you must have human as well as financial resources available.

Advocates must define their own agenda and convince sponsors to fund it.

The civil society advocacy network was confronted with many problems, because the oil project was not on the agenda of the organization members of the network when the need to do advocacy was raised. It was very difficult for NGO members of the network to raise funds for the advocacy work, because it was not on the agenda of their sponsors. Many groups had to wait one year to be able to raise money for the work. Therefore we lost many opportunities. Small grants from Environmental Defense (ED), Global Greengrants Fund (GGF), the Bank Information Center (BIC), the Center for International Environmental Law (CIEL), and Bread for the World (BFW) were very useful.

RESULTS OF ADVOCACY

The results we gained were small, because we failed to address some issues while setting up our strategy. In addition, we did not really know who were our opponents and who were our allies. All NGOs within the network were not allies.

The lack of financial, material, and human resources, along with a lack of information and knowledge about oil, the World Bank, and international financial institutions, had a negative impact on the advocacy work.

The advocacy network did achieve some changes to the project. A law on management of project revenue was adopted. This law establishes an oversight committee composed of civil society representatives. We also obtained an increase in the number of civil society representatives on the oversight committee. Our work led to the withdrawal of Shell and Elf, and the rejection of a flawed environmental impact assessment. These are some of the results of civil society advocacy.

The advocacy work of civil society, both internationally and nationally, has helped to keep public attention on the project.

OBSTACLES

It is also important to mention that the advocacy strategy did not reach its expected goals because of factors re-

lated to the political, social, and economic situation in Chad. These factors include:

Repression: Human rights activists working on the advocacy program have been threatened by the government. Some of them were arrested and detained without charges. Some had to leave the country for their safety.

Lack of communication and information: Information must be accurate and available in a timely manner. NGOs often lack adequate skill to collect data and to manage information, and they have no means of communication. The level of communications and information technology is very low in Chad. Connection to the Internet is slow and expensive. It took too long for information from the ground to reach the capital city.

Maintaining the link between national and international NGOs was not easy, and there was a delay in the flow of information. Also, a campaign was mounted by project proponents to discredit NGOs by saying that northern NGOs were misleading southern NGOs. The claim was that northern NGOs were unaware of the poverty conditions in Chad and Cameroon, which is why there are opposing the project. The objective of this campaign was to “delegitimize” NGOs’ work by saying that they have no mandate to speak on behalf of people on the ground.

Poverty: Chad is one of the poorest countries in the world. The consultation process provided an opportunity for the oil consortium to sell the project. When they went to the villages, only the positive side of the project was shown to people. People were told that the project would improve their quality of life, and that they would gain money and wealth. No one could refuse something that is supposed to make life better.

Ignorance: Finally, the illiteracy rate is high in Chad – about 90%. People do not know how to read and write. They cannot understand the highly technical and complicated information being presented in French. People were manipulated to oppose the civil society advocacy network. The only grassroots organization, named EPOZOP, was denied an official authorization to function.

CURRENT STATUS

Since the World Bank has approved the project, the things that civil society was worried about are happening. The consortium is doing the construction work with such speed that both civil society and the government do not have the capacity to follow it. The advocacy work is not so strong as it was at the beginning, because everybody seems to be tired and disappointed. The civil society advocacy network collapsed, and another structure was put in place. This structure is composed of decentralized advocacy groups working on the project. They are trying hard to get back on track, but it is not easy as they do not have capacity and the project is moving quickly. Oil is to be flowing by the end of 2003.

3.6 WITH WHOM DOES THE ADVOCATE NETWORK?

Although an advocate can benefit from networking with just about anyone, the advocate's efforts should focus on networking contacts that could meet a specific need of the advocate or address a key problem that the advocate faces. For example, if an advocate is concerned with matters of land tenure, universities and law schools can provide an excellent source of background information and ongoing scholarship on historical and legal aspects of land ownership and use. The advocate may also find that a number of organizations already exist to address this specific problem.

The advocate should collect and maintain a list of contacts for each particular advocacy issue. During a networking conversation with one contact person, the advocate should consider asking if that person can recommend other contacts. The first networking conversation may not be helpful; however, the third conversation might be. Additionally, a person whose expertise may not seem related to the advocate's cause now may have information or experience that will be important to the advocate's work months or even years later. Therefore, it is a good idea to write down addresses or keep visiting cards for future use.

3.7 HOW DOES THE ADVOCATE IDENTIFY RESOURCES AND PARTNERS?

An advocate's effort to identify networking contacts must begin with a clear understanding of the issue and what the advocate's goals are, as discussed in Chapter 1. What is the problem? Why is it a problem? Who has been affected? Can it be solved? If so, how? Using this information, the advocate should make a long list of all of the individuals and organizations that may have expertise, experience, or contacts that could help the advocate address some aspect of the problem or the solution to the problem. This list will also help the advocate to clearly articulate what is needed and convince others to assist.

It is important that the advocate keep an open mind while "brainstorming," or developing, this list of potential contacts, because it is sometimes the less obvious networking contact that becomes the most valuable. Even if a potential contact is not likely to become directly involved in the advocate's work, that contact may still be able to suggest other individuals or groups that can play a more central role.

3.8 HOW DOES THE ADVOCATE BUILD AN INFORMAL NETWORK?

Advocates and communities should evaluate their complete lists of potential contacts and begin to meet with, call, or e-mail those that seem most likely to be receptive and helpful, as well as those that are likely to have the best information. If initial communications with a person are promising, an advocate should follow up with additional visits, calls, or e-mails, as appropriate to the circumstances. However, an advocate should only communicate with contacts when a reason exists. For example, follow-up can be used to share news of progress, seek input on a document or strategy, or for other reasons. Although persistence can be a virtue, it is important not to become annoying by contacting a person too often. Contacts have their own jobs, concerns, and problems to address. It is important to treat all contacts courteously and without being harsh or judgmental.

An advocate can build upon a networking relationship at any time and any place. For example, the following all present opportunities for networking: meeting someone for lunch; talking with someone while walking to the same destination; sharing a taxi or bus ride from a meeting; inviting someone to one's office or home; participating

with someone in a group work activity; attending events involving extended family; and even taking part in church activities. The advocate should always keep detailed notes about networking contacts for future reference.

It is important to recognize that these new relationships do not necessarily need to be formal. An advocate will not “partner” with every networking contact. While three or four individuals or organizations may eventually emerge as logical choices for official “partners” in a project or initiative, most networking contacts will primarily serve as informal sources of information and means of obtaining additional contacts.

3.9 HOW DOES THE ADVOCATE SUSTAIN A NETWORKING RELATIONSHIP?

A networking relationship develops just like any other relationship—through attention, communication, and nurturing. And as with other relationships, a failure to cultivate it can lead to its lapse or even collapse if an advocate is viewed as inconsistent or undependable. It is important, for example, for advocates to clearly convey their ideas, explain the value in discussing a particular issue, and clarify at the end of a conversation what must happen next. Too often, people meet and share bold visions and ideas, yet fail to follow up and sustain the momentum.

It is important to follow up promptly with new contacts. Where telephones or computers are readily available, this can be done with a quick telephone call or e-mail message. Where they are not, and particularly in rural areas, direct, personal communication may be required. The goal is to use the energy and excitement generated from conversations to translate ideas into action. In the end, time and money spent on networking are an investment in people and organizations. Sometimes the investment provides returns right away, sometimes much later, and sometimes never. The advocate must consider on a case-by-case basis how much time and energy to devote to each networking relationship and realize that this assessment may change as time passes and circumstances change.

3.10 A WORD ON FORMAL NETWORKS

In many instances, individuals and representatives from various organizations choose to formalize their network ties. A group of CBOs or NGOs may decide to create a single coordinating group--sometimes called an “umbrella organization”--to help link the various individual groups. This umbrella organization can coordinate the exchange of information, act as an advocate on its own, and speak with a voice louder than the individual CBO or NGO. For example, BOCOBONET, the Botswana Community-Based Organization Network, is an example of a formal network. BOCOBONET seeks to promote the interests of its member CBOs involved in community-based natural resource management (CBNRM). BOCOBONET plays the role of mediator and advocate in connection with communities and service providers, including the government, the private sector, NGOs, and training institutes. BOCOBONET also acts as a centralized forum for its CBO members, allowing them to collectively gather, share, and disseminate information relating to CBNRM.

NESDA, the Network for Environment and Sustainable Development in Africa, is another formal network. NESDA works to help African societies achieve environmentally sustainable development. NESDA has been incorporated as an international NGO, and its members now include experts in environmental and natural resource management from thirty African countries. NESDA is also home to NAEL, the Network of African Environmental Lawyers.

COALITION BUILDING

3.11 WHAT IS A COALITION?

A *coalition* is a group of individuals or organizations that works together on a specific effort or initiative to achieve a common goal. Unlike building an informal network, developing a coalition is more formal and depends upon expectations among the parties as to what will be done, by whom, and how. If networking activities with certain people reveal common interests and goals, and some agreement can be reached about what the next steps are, it may be time to build a coalition.

A SUCCESSFUL COALITION WILL . . .

- Involve all key people and organizations
- Choose realistic strategies
- Create a shared vision
- Allow for disagreements
- Make promises that can be kept
- Build ownership on all levels
- Institutionalize change
- Publicize its successes

—Adapted from *Coalition Building*, by Skipp Porteus
(http://www.protest.net/activists_handbook/coalition.html)

3.12 HOW IS A COALITION BUILT?

To build a coalition, it is crucial that all key individuals and organizations agree upon the basic goals and the means to achieve them. A coalition begins with a shared vision, but far more is required. The positive and negative aspects of working together must fully be explored. The issue of funding, which can quickly become a source of tension among coalition members, must be discussed early in the process. Coalition members must develop a plan of action and decide which members will carry out which responsibilities. This division of labor may be made along organizational lines (for example, this organization is responsible for research, that organization is responsible for working with the media, and the like) or on the basis of individual competencies (which may result in multiple organizations working on the same task, depending on the expertise of individuals). As with any advocacy strategy, the core of a coalition strategy lies in fully exploring goals, approaches, and obstacles in advance of any action.

members, must be discussed early in the process. Coalition members must develop a plan of action and decide which members will carry out which responsibilities. This division of labor may be made along organizational lines (for example, this organization is responsible for research, that organization is responsible for working with the media, and the like) or on the basis of individual competencies (which may result in multiple organizations working on the same task, depending on the expertise of individuals). As with any advocacy strategy, the core of a coalition strategy lies in fully exploring goals,

TO SUSTAIN A COALITION . . .

- Hold regular, scheduled meetings at a place and time acceptable to all members
- Designate a meeting leader who will develop an agenda and keep the discussion on topic
- Strive to have the same group of people consistently attend each meeting
- Take notes and follow up on individual assignments
- Stay in touch with coalition members between meetings
- Keep people involved, engaged, and enthusiastic
- Reassess goals and approaches as the circumstances require

3.13 HOW IS A COALITION SUSTAINED?

Sustaining a coalition is a challenge, especially given advocates' busy schedules. Far too many good plans are not executed because of lack of time, insufficient resources, unfocused meetings, and failure to prioritize. It is critical for the organization or individuals leading a coalition to dedicate enough time to ensure that plans move forward and goals are met so that coalition members feel a sense of progress and remain engaged.

A coalition is generally managed or led by a member organization or an individual within a member organization. Without a

lead organization, a coalition is less likely to move steadily toward its goals and may be slowed by dissent and financial disputes. The lead organization should keep the coalition

on track with its plans, but not press member organizations and their constituents so hard that they become resentful or feel unduly pressured. Striking the balance between inspiring members but not overwhelming them is difficult and requires skill and patience from the lead organization.

Although the operation and management of any coalition varies with its goals and resources, all coalition leaders should consistently undertake certain activities, as described in the box to the left.

OTHER RESOURCES

BOCOBONET, the Botswana Community-Based Organization Network, is a network of CBOs in Botswana involved in community-based natural resource management. BOCOBONET is on the Internet at http://www.cbnrm.bw/pages_sub_dir/BOCOBONET.html#anchor175246. The mailing address for BOCOBONET is Executive Secretary, BOCOBONET, Private Bag BO 166, Gaborone, Botswana.

NESDA, the Network for Environment and Sustainable Development in Africa, is a resource and forum of African experts in the management of environment and natural resources. NESDA is on the Internet at <http://www.rri.org/nesda/>. The mailing address is NESDA, P.O. Box 95, Guichet annex ADB, Abidjan, Cote d'Ivoire.

SANGOCO, the South African NGO Coalition, seeks to unite and strengthen the efforts of the NGO sector. SANGOCO and its members have developed six program areas for which they serve as a clearing-house of information and work to develop new strategies and policies that will enhance the efforts of individual NGOs. This is a good example of a coalition composed of many small to mid-sized NGOs that are accomplishing as a group what none could have accomplished alone. SANGOCO's website is at <http://www.sangoco.org.za/> and its mailing address is 10th Floor Auckland House 185, Smit Street Braamfontein, Johannesburg, South Africa.

COPA, the Coalition for Peace in Africa, provides training and capacity building for its members, publishes case studies, and hosts consultations and meetings where interested parties can discuss issues. COPA's mailing address is P.O. Box 16754, Lyttelton 0140, South Africa.

Janice Forsythe, *A Guide to Coalition Building*. Cypress Consulting (1997). Available on the Internet at <http://www.cypresscon.com/coalition.html>.

"Networking in the Americas: Background Research for Environmental Law and Policy Networking in the Americas – Discussion Paper." Environmental Law Institute (1998).

Skipp Porteus, *Coalition Building*. Available on the Internet at http://www.protest.net/activists_handbook/coalition.html.

CHAPTER 4

TAKING A SEAT AT THE TABLE: TOOLS FOR PARTICIPATING IN GOVERNMENT DECISIONMAKING PROCESSES

Every day, government officials make decisions that can have a significant impact on people's health, well being, and natural environment. For example, each of the following actions could affect a community:

- the passage of a new law by parliament;
- the enactment of regulations by a government agency
- the issuance of a permit by a local board or official; or
- the failure of a government official to enforce environmental laws.

Because government decisions can influence people's lives in so many different ways, it is crucial for government officials to take the views of the public into account in the decisionmaking process. Involvement by the people in these governmental processes is called *public participation*.

OVERVIEW

Advocates can help people to make their voices heard by government decisionmakers by using a variety of advocacy tools. Often, the law itself establishes *formal tools* for the public to use to express its views. In some countries, however, not all of these tools are available. Even in countries that have all of the formal tools, advocates may want to take additional steps to ensure meaningful participation. In either case, advocates can turn to *informal advocacy tools*.

This Chapter discusses some of the most important tools for public participation, both formal and informal.

FORMAL TOOLS FOR PUBLIC PARTICIPATION

One key function of government is to establish specific rules for everyone. Most of the policies and rules affecting people's daily lives are found in laws and regulations. Members of parliament, by passing laws, take primary responsibility for shaping policy and setting the rules that govern their nation. Government agencies play a central role in developing and enforcing regulations and policies that implement the laws passed by parliament. Because laws and regulations have the potential to shape the life and future of every community, familiarity with the tools for participating in the development of these laws and regulations is essential.

4.1 LOBBYING

Lobbying is the process of trying to persuade legislators (such as members of parliament, or "MPs"), government officials, politicians, or other decisionmakers to take the course of action that the advocate recommends. The advocate may, for example, want

TIPS FOR MEETING WITH AN MP OR OTHER GOVERNMENT OFFICIAL

- Be prepared.
- Have a clear agenda and goals.
- State your case clearly, but in a short period of time.
- Listen carefully.
- Admit when you do not have the answer to a question.
- Avoid confrontation.
- Bring useful materials, such as articles, to leave with the official.
- Think of the visit as part of a long-term relationship.
- Be sure to follow up.

—Adapted from materials developed by the
Democracy Center (and Common Cause)

parliament to pass a new law. Or the advocate may seek to have the government adopt a new policy—or get rid of an old one. A person who lobbies seeks action.

The advocate and the advocate’s allies can lobby government officials directly by arranging meetings with them and their staff and by providing them with research and written materials explaining the advocate’s position. It is not easy to attract the attention of elected officials and policymakers and to persuade them to hear, much less act on, the advocate’s cause. The advocate may first need to develop and cultivate relationships with people already inside government who are sympathetic to the advocate’s issues. These insiders can play the role of “champion,” and help ensure that the advocate’s issues are heard by others within government.

An important aspect of lobbying takes place not in the offices of government officials or in the halls of parliament, but in the court of public opinion. By persuading donors, members of the media, and key elements of the general public, the advocate is indirectly

taking steps to persuade government officials. Most of the tools in the advocacy toolkit play a role in the advocate’s lobbying efforts. Tools for informal networking (Chapter 2), tools for gathering information (Chapter 3), tools for getting the word out (Chapter 5), and tools for working with the media (Chapter 6) can all contribute to the success of a broad lobbying campaign.

4.2 SUBMITTING A PRIVATE MEMBER’S BILL

Many countries allow citizens who are not members of the government to present private bills to the parliament. By presenting a private bill, advocates can focus the attention of the government on matters of concern that are not otherwise being addressed. Even if a private bill is never enacted into law, the process of submitting one may focus government attention on an issue, and may even spur government action. For

example, the government may set up an inquiry into the matter raised by the bill, or may introduce the bill again at a later date. Alternatively, the government may draft its own bill addressing the issues raised by the citizens and introduce it in parliament before the citizens have a chance to do so on their own. Regardless, any publicity generated by the bill, by citizens or government, can help to raise public awareness.

ANYONE CAN BE LOBBIED!

Although most people think of lobbying as a way to persuade government officials, any decisionmaker can be lobbied. Traditional leaders, newspaper editors, church leaders, representatives of donor organizations, businesspeople, and NGO leaders are just a few examples. A person (or organization) with the power to make a decision that can benefit or otherwise affect the advocate and his or her goals can be lobbied. The advocate should, of course, follow the law and use common sense when determining whether attempts to persuade particular people and institutions can or should be made.

4.3 NOTICE AND COMMENT RULEMAKING

Actions taken by government agencies can have a significant impact on local communities. The process by which agencies make rules and regulations offers a valuable opportunity for public participation. Although the rules vary from one country to the next, the process often requires that an agency provide broad public notice of a proposed

rulemaking. Then, all interested persons—including the public—may submit their written or oral comments to the agency on the proposed rule. Ultimately, the agency must address in writing all of the comments received relating to the proposed rule and explain the reasons for its decisions. Even if the agency does not follow the public comments, notice and comment rulemaking helps to ensure that the interests of the public are taken into consideration by government actors.

4.4 THE OMBUDSMAN

Some countries permit citizens to voice concerns to the government by way of an *ombudsman*. An ombudsman is someone whose job is to investigate complaints against an institution, such as a business or the government. In Namibia, for example, the constitution establishes an independent ombudsman whose powers include the ability to investigate complaints brought by citizens about their environment, such as “the over-utilization of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia.” The ombudsman in Namibia also has the constitutional duty and power to remedy problems that are discovered.

4.5 THE PERMITTING PROCESS

In many countries, individuals or businesses that wish to perform an activity likely to have a negative environmental impact must obtain a permit from the government granting permission for the activity to be carried out. The activity might be the construction of a factory, the clearing of a forest, or any number of other actions or projects. In many countries, activities that cause ongoing environmental impacts—including discharge of polluted water and air—require permits. The permitting process ensures that the applicant has notified the government and the public about the nature of the activity and its likely impacts. It provides a way for the government to place conditions on the action to minimize negative environmental impacts. For example, a permit might be modified to eliminate or reduce the danger resulting from a discharge of pollutants into local waters or the disposal of solid waste.

The public participation aspects of the permitting process make it an important tool for the environmental advocate. Some countries have procedures for notifying the public of a permit application and for allowing the public to submit comments (“notice and comment” procedures) while others do not. In the United States, for example, a government agency must notify the public as soon as it receives an application from a facility wishing to discharge wastes. This notice must contain enough information for the public to understand the activity at issue and its potential impacts. Following the notice is a comment period during which interested persons may comment on or raise objections to the proposed activity. In some instances in the United States, a government agency may be required to conduct a public hearing where citizens may speak out on a proposed permit, or submit written comments expressing their concerns. Public hearings also provide an opportunity for advocates to engage the press in raising awareness about the issue. When the agency ultimately grants or denies the permit application, comments, objections, and any oral testimony received are summarized and explanations are given to support the agency’s decision.

In the case of *Director, Mineral Development, Gauteng Region v. Save the Vaal Environment*, the South African High Court ordered the Director, Mineral Development to listen to the objections of the Save the Vaal campaign group before issuing a temporary mining license. In terms of the Minerals Act of 1991, the judge was not required to do

so. The court stated, however, that in light of the Constitution, the community has a right to be heard even in the initial stages of application for a mining permit.

4.6 ENVIRONMENTAL IMPACT ASSESSMENTS (EIAs)

The law of many countries requires that government actions that are likely to have environmental consequences be analyzed from an environmental perspective. This requires the preparation of an environmental impact assessment, or EIA. The EIA process examines how a proposed activity or project may adversely affect the environment. In the EIA, the project proponent must identify the potential environmental impacts of the project and prepare a detailed statement covering: the impacts of particular actions on the environment; a discussion of alternative projects and their impacts; environmental harm that can be avoided; and mitigation measures that can minimize the potential environmental damage (sometimes including social impacts).

The EIA process is increasingly being used in Africa. Many African countries, such as Cameroon, Cote D'Ivoire, Eritrea, Kenya, Madagascar, Namibia, Niger, South Africa, and Uganda, now require that EIAs be conducted for certain projects. Sometimes a bank or lender, particularly the World Bank or the African Development Bank, will require that the company building a project complete an EIA even if an EIA is not required by the home country. These lenders may also require that the company consult with local interested parties, which provides an opportunity for advocates both to learn more about and to voice their opinion about a project.

CATEGORIES OF INFORMATION TO CONSIDER

Advocates may wish to consider the following procedural and substantive questions to guide review of a permit application or an environmental impact assessment (EIA):

Questions of Procedure

- Does the public have a meaningful opportunity to comment?
- Is the draft permit or EIA complete and accurate?
- Does the EIA use recent data and information?
- Will the EIA be conducted in a timely fashion, and before the final decision is made (so that the EIA serves as a planning document)?

Questions of Substance

Does the EIA...

- Identify the environmental media (for example, water, air, soil, animals, etc.) and communities that may be affected?
- Examine the current quality of the environmental media?
- Consider how the environmental media may be affected?
- Contain a detailed description of the nature and quantities of wastes (or other actions that may impact the environment)?
- State which standards apply to discharges and other actions?
- Examine a range of options, including the option of taking no action at all?
- Examine technical and cost considerations for technology to control pollution?
- Discuss how the area will be restored after the project (in the case of forest management or mining operations)?
- Consider the cumulative effects on the area of many permits being granted?

Many times, an advocate will discover that a project has been started without any EIA. In this case, the advocate may lobby government or company officials for an EIA to be done or seek legal advice on instituting a lawsuit to require that one be done.

Once an EIA has begun, the EIA is important for environmental advocates for many of the same reasons. The detailed statement resulting from the EIA process provides crucial information to both the government and the public about the potential environmental consequences of a planned activity. This allows the public to consider and weigh the value of the planned activity against the status quo or other (potentially less damaging) alternatives. As a result, project planners are more likely to take into account possible environmental harms and to pursue alternatives that

minimize or eliminate these harms. An EIA should be conducted early enough in the development of the project so that its information and analyses can play a meaningful role in the decisionmaking process.

Public participation is an integral part of the EIA process, from beginning to end. The *scoping* phase, the first step in the EIA process, identifies the range of issues to be addressed in an EIA and the potentially significant impacts of the proposed action. Communities and citizens can participate at this phase by assisting in identifying the main environmental issues, voicing their concerns, disseminating information about the proposed activity, and submitting comments and suggestions about the ongoing EIA process. EIA laws usually require that public input be considered during the scoping stage and that comments and suggestions be incorporated into the draft EIA.

Next, the government agency or the project proponent prepares the EIA. The draft EIA is usually open to public review and comment. The public thus has a chance to determine whether issues raised during the scoping stage are given due consideration in the draft EIA. Many countries also have public hearing requirements for the draft EIA. In the United States, for example, at least one public hearing must be held to discuss the draft. At the hearing, members of the public have an opportunity to present oral or written comments. If a draft EIA is inadequate, or if concerned members of the public are not sufficiently included in its development, they may appeal to the courts. Once a final EIA is prepared, government officials notify citizens of their right to submit comments. Requirements for public hearing at this stage present another opportunity for the public to participate in an EIA process.

The final EIA must include a statement of the direct and indirect impacts of proposed activities on the environment; alternatives to the actions to be taken; environmental consequences of the alternatives; proposed measures to mitigate adverse impacts on the environment; and an extensive discussion of public comments and official responses to them. If these requirements are not complied with, advocates can try to ensure compliance by raising their concern with government officials or going to court.

Case Study #5, on pages 42-43, explores how the EIA process was used in South Africa to ensure public participation and involvement in the construction of a new game lodge.

INFORMAL TOOLS FOR PUBLIC PARTICIPATION

Although some countries have laws providing for public participation, many countries lack procedures for meaningfully involving the public in their decisionmaking processes. Even where procedures for public participation exist, the government may have its own political reasons for avoiding or rejecting public input. In either case, advocates can often initiate their own informal procedures that are similar to the formal devices described above.

Informal public participation may take the form of an unofficial hearing that brings together interested parties and the government. Or it could be a public letter-writing campaign through which citizens inform the government of their views on a particular project or proposed regulation.

4.7 PRIVATE ENVIRONMENTAL IMPACT ASSESSMENT

Even when the government does not involve the public in an EIA process, individual citizens and communities can still assess the likely impacts of proposed projects or rules on their health and their environment.

CASE STUDY #5

SOUTH AFRICA: ENSURING COMMUNITY INVOLVEMENT IN THE MADIKWE INITIATIVE

Excerpts from a Case Study by Pogiso Monchusi
Faculty of Law, Potchefstroom University for CHE (South Africa)

BACKGROUND

The Madikwe Game Reserve (MGR) is a 75,000-hectare “Big Five” game reserve, which was designed at its inception to act as an engine for economic growth and development in the North West Province. Its creation was based on feasibility studies indicating that conservation and tourism would create 150 times more jobs than cattle farming in the area, at much higher wage rates.

The North West Parks and Tourism Board, with support from the British Government’s Department for International Development (DFID), initiated a community development program to maximize the economic impacts that the Game Reserve has on the surrounding economy. This development program is called the Madikwe Initiative.

The Mafisa Research and Planning Agency was appointed by the British Government and the local residents to implement the Madikwe Initiative. This initiative consists of carrying out various activities (outlined below) in three villages around the Game Reserve: Supingstad and Leggophung on its western border and Molatedi on its eastern side.

The primary aim of the Madikwe Initiative is to promote and enhance tourism in the three villages surrounding the Madikwe Game Reserve, in order to maximize the economic impact that the MGR will have on the surrounding village economies.

The Madikwe Initiative is managed by a steering committee that is made up of representatives from the Rustenburg District Council, the Central District Council, the North West Parks Board (NWPB), the Department of Local Government and Housing, and members of village-based organisations set up to manage development programmes at the local level. Leggophung has set up a trust to manage the villages’ development and business activities, including equity holdings in a community-based lodge in the game reserve. The Molatedi tribal authority is currently setting up a similar legal entity. Mafisa and the DFID are observers on the steering committee.

Before the Leggophung Lodge could be built, North West Parks and Tourism Board’s policy required compliance with South Africa’s environmental legislation (including the environmental impact assessment process of the Environmental Conservation Act).

ENVIRONMENTAL PROCESS

The park was first screened for suitable development sites shortly after its establishment.

The developer wishes to establish a “light footprint” luxury camp in the Wonderboom area. One legal requirement for such development was that an environmental impact assessment be conducted. A lecturer at the

Potchefstroom University was asked to act as a consultant to determine whether the developer complied with current legislation.

GOAL OF ADVOCACY

The goal was to ensure community involvement and participation in the environmental impact assessment processes. The community appointed two specialists, Phillipa Holden and Dr. Dave Grossman, to advise them on any matter relating to the environmental aspects of the project. The two, together with the Field Manager for the Madikwe Initiative, Pogiso Monchusi, held meetings with the community, government officials, the North West Parks and Tourism Board, and the private sector.

USE OF ADVOCACY TOOLS

Advocacy tools were used in a number of ways, as set forth below.

Stakeholder liaison: A number of committees were set up. For example, there was a water committee, a development committee, a poverty relief committee, etc. Each committee addressed a specific issue. When an issue arose, the relevant committees were called in to discuss the issue and to find solutions.

Establishment of a task team: A task team was appointed from representatives of each group with an interest in the project. The task team included, for example the traditional leader, a member of the tribal council, a member of the Reconstruction and Development Programme Forum, representatives of youth and women, and members of the other committees mentioned above.

Community/tribal meetings: When major decisions about the project had to be taken, this was done by way of tribal meetings and tribal resolutions. This ensured transparency, consultation, and democracy, values enshrined in South Africa’s Constitution.

Meetings with government officials, funders, developers and politicians: Meetings were set up with government officials, funders, developers, and politicians when necessary.

Gathering and collating information: Necessary information was gathered and collated regarding the environmental impact study, project management, and questions of the community on various issues. Library resources such as books, legislation, government annual reports, and articles written about specific issues available at the Ferdinand Postma Library, Potchefstroom University were used. Use was also made of the expertise and practical knowledge in the community to enhance the development process.

Dispute resolution mechanisms: Alternative dispute resolution mechanisms were used. These included investigation, fact-finding, and mediation. In some instances the *kgotla* (tribal court) was also used. The tribal courts function like Western-type courts of law, where the aim would be to adjudicate a matter or achieve justice at the end of the day. It is an informal court system presided over by elders in the community. To be able to achieve justice, these courts applied African customary law.

Networking: The advocate should be a resourceful person able to approach certain institutions to resolve a problem. He/she should establish proper networks to ensure this. A way to ensure this is by keeping a list and contact details of institutions relevant to the field of operation, through personal contacts and some directories, telephones, and newspapers.

Use of public notices: Announcements were made in churches, at funerals, and at other social events. Notices were posted at tribal offices, schools, churches, and shops. A newsletter, the *Madikwe Voice*, was also distributed. The *Madikwe Voice* published notices of meetings and announcements of events or activities that were to take place. Mafisa funded community notices while business notices were funded by advertisers.

Information sessions: When people asked for information about the environment, government, the Constitution, and project management, training material was developed and information sessions were held with interested parties.

Expert advice: When necessary, experts were called in. Experts also addressed the community to explain certain matters.

Influencing policies through personal contact with ward representatives of local government and by taking part in integrated development planning processes: Supporters of the project worked with members of local government to develop an integrated development planning process. It was important to create strong ties with local government that would remain once the funders had left.

Lobbying for further funding of the projects: Councilors from the municipalities consulted and briefed a number of organisations about this initiative. The provincial government also played a role by garnering additional funding for these projects. Thus there were coordinated lobbying efforts to obtain further funding.

Presentations at conferences to gain foreign funding: For example, an international investors conference covered these projects with the sanctioning of the provincial government. The possibility of further funding for the projects was discussed.

Environmental awareness and education: The National Parks Board distributed pamphlets on environmental awareness. Also, the people who would be involved in the projects in the park received training from experts to build their capacity on issues. For example, they visited schools in the area to teach pupils on nature conservation.

Poverty relief programme: Activities included bush clearing, eradication of alien plants, and reduction of numbers of game. In this manner, jobs were created and people

took ownership of the development programme, as they could see its benefits.

Capacity building: The Centre for Community Law and Development of the Potchefstroom University has developed a capacity building programme, which seeks to enhance the ability of organizations to manage projects and themselves. This included legal training about available legislation, as well as training on office administration, filing, financial management, dispute resolution, etc. The purpose was to ensure that the development programmes would be managed by communities themselves after the withdrawal of the professionals.

Evaluation and monitoring systems: Every second month the progress of the development projects was evaluated to determine whether a project was meeting its milestones. Corrective action was taken where necessary. Monitoring took place on a continuous basis.

OBSTACLES ENCOUNTERED

A number of obstacles to community involvement were encountered:

- A lack of regional, provincial, and national media coverage of these developments;
- A lack of commitment from officials to attend meetings, which meant that meetings had to be postponed several times, frustrating the community;
- Language barriers. It is essential that the field coordinator understand the locally spoken language, or at least make use of an interpreter from the community; and
- Strangers are not easily accepted: to overcome this, local people would introduce strangers to the community in order to build acceptance and trust.

LESSONS LEARNED

Community advocates should consider the following points when participating in an environmental impact assessment process:

- Appoint a field coordinator who is able to assess problems and have good relationships with the community, developers, government officials, and private funders.
- A field coordinator must be able to assess and analyse problems—he or she must be able to distinguish the underlying message from the discussion. When a problem arises, a field coordinator should be able to identify the underlying issues that gave rise to the problem. The problems discussed are not necessarily the issue at hand. A field coordinator must be able “to read between the lines.”
- The field coordinator must have insight about issues in the community in order to resolve developmental issues; otherwise these internal issues can hamper the development process.

In one instance, members of local communities in Chad and Cameroon formed community organizations to follow plans between their governments and the World Bank for a project that would extract oil in Chad and transport it through Cameroon. The project involves drilling 300 oil wells in Chad, extracting 225,000 barrels of oil per day, and constructing a 650-mile long oil pipeline through the areas occupied by communities in the two countries. Despite the massive scope of the proposed work, members of local communities had not been consulted by either their governments or the World Bank.

In response, the citizens came together and formed local organizations to monitor the project activities. They held meetings and workshops to keep track of the proposed project. They independently assessed its potential negative impacts on the environment, on the social and political life of the communities, and on corruption in both countries. In addition, they investigated the impact of activities carried out by their governments in support of the project and found that in Chad the military had killed many civilians in the pipeline project area between 1997 and 2000. The results of their environmental monitoring and assessment, as well as their objection to the project, were communicated to the World Bank through a letter signed by the community leader. (Case Study #2, on pages 18-19, discusses the alliances involved in the advocacy campaign surrounding the Chad-Cameroon Pipeline project.)

4.8 PRIVATE MONITORING OF COMPLIANCE WITH PERMIT REQUIREMENTS

Advocates can also participate in monitoring environmental impacts by investigating, testing, and otherwise observing the effects of a project to determine whether it complies with the terms of its permit and EIA. In the United States, for example, citizens have been actively involved in monitoring discharges into streams and rivers. Many groups regularly conduct canoe trips down local rivers to note every discharge into the rivers. These groups record information about the location, the color and smell of discharge, the health of the surrounding vegetation, etc. In some situations, they may take photographs of the discharge and even take water samples at the point of discharge. They then compare their observations with the list of permitted facilities and submit information on potential violations to the enforcing government agencies. With this data, enforcement agencies are often able to identify unregulated discharges as well as discharges that violate permits.

4.9 CONVENING PUBLIC HEARINGS

In response to any proposed government action, advocates can, of their own accord, organize a public hearing before a final decision is made. In addition to creating greater public awareness about proposed activities, a hearing can be used to develop information on the activities and convey the information to the relevant government authority. Public hearings also provide a good vehicle for increasing media awareness. It is important to invite government officials to attend these hearings and to address the issues raised by the participants.

In the United States, an NGO called Great Lakes United (GLU) has held public hearings on matters concerning pollution in the Great Lakes, which border Canada and the United States. Dissatisfied with government efforts to prevent deteriorating water quality in the lakes and the resultant health problems, the organization has held a series of unofficial public hearings on these issues. GLU has gathered public testimony and information regarding the poor quality of water in the lakes and its health and environ-

mental impacts; facilitated the development of consensus among communities in the region with poor water quality management; and lobbied governments to give the public a formal role in the water quality management process. As a result of these hearings, the GLU has managed to gain permission to testify before the United States Congress on matters concerning the lakes; succeeded in having its members participate in negotiations between the two governments on matters concerning management of the lakes; and created a consultation procedure with the governments' representatives.

4.10 LETTER-WRITING CAMPAIGNS

The public can also participate in governmental processes by launching letter-writing campaigns or phone-in days. By writing letters, citizens can petition their president, government officials, or members of parliament to address matters that concern them. On phone-in days, advocates and their supporters call officials to express their views on a certain subject. For example, when a regional administration in the Netherlands wanted to convert a large and unique conservation area into arable land, the public became concerned. As a result, 50,000 citizens and several organizations sent letters of protest to the regional authorities, who were stunned by the massive effort. After a prolonged public discussion, authorities decided to withdraw the plan. The area was saved and is better protected and maintained today than before.

In other cases, government officials may ignore the letters sent to them by members of the public. The effectiveness of a letter-writing campaign will vary from country to country, and from one issue to the next.

OTHER RESOURCES

For more information on the Chad/Cameroon pipeline project, see Open Letter to the President of the World Bank Concerning the International Advisory Group, at <http://www.ciel.org/Ifi/chadcamwolf.html>.

For more information on the requirements for EIAs for companies receiving funding from the World Bank, see <http://lnweb18.worldbank.org/ESSD/envext.nsf/51ByDocNamePollutionPreventionandAbatementHandbook/>.

For more information on the requirements for EIAs for companies receiving funding from the African Development Bank, see http://www.afdb.org/knowledge/publications/pdf/opsd_brochure_may2003e.pdf/.

CHAPTER 5

GETTING THE MESSAGE OUT: TOOLS FOR DISTRIBUTING INFORMATION

It is important for the environmental advocate not only to decide on clear goals and approaches, but also to think carefully about how these goals and approaches should be communicated to others. In other words, the advocate must define his or her message and target audience. Only then can the advocate distribute the message.

OVERVIEW

This chapter first discusses how to develop a central message. It is important to know what and how the advocate will communicate before starting to advocate. This chapter then discusses how to distribute the message using non-media tools. Chapter 6 discusses media tools.

CRAFTING THE MESSAGE

In developing a message, the advocate should keep in mind a number of considerations. Some of the most important are discussed below. (Many of these recommendations are adapted from *Now Hear This: The Nine Laws of Successful Advocacy Communications*, by Kristen Wolf.)

5.1 WHAT IS THE MESSAGE?

The nature of the message will vary with every advocacy campaign. It will depend upon the underlying environmental problem, the proposed solution to that problem, and the approaches the advocate plans to take to achieve that solution. An advocacy campaign may involve the development and use of different messages that are conveyed to different people for different reasons.

5.2 UNDERSTAND THE GOAL OF THE MESSAGE

The advocate should consider what each message is meant to accomplish. Does the advocate intend to develop general support? Lobby particular decisionmakers? Explain an important issue to the local community? Urge people to take a specific action? It is important to remember that the purpose of an individual message may not be the same as the purpose of the overall advocacy campaign.

5.3 KNOW THE TARGET AUDIENCE

The environmental advocate should think a great deal about who the message is meant to persuade—that is, who is the *target audience*? Rarely should a message be directed at just “the general public.” Instead, the advocate should tailor the message to a well-chosen group of individuals who are able to take the action that the advocate seeks. Target audiences may include: people who benefit from the action sought; partners or allies; adversaries; and decisionmakers. Similarly, the advocate should try to explain to

KNOWING THE TARGET AUDIENCE

It is always easier to convince people to act upon something they already believe than to convince them to act on something they do not yet believe. This means that the environmental advocate must craft a message that appeals to the target audience, not to an audience of environmental NGOs and CBOs. Environmental concerns may not be important to the advocate's audience, in which case the advocate must determine what *is* important to this audience and frame the message to tap into it. For example, an advocate may wish to frame the message around such issues as religion (stewardship), public health, people's livelihoods, children, or cultural and historical preservation.

the audience why taking a certain action is in their best interest. This often means thinking about arguments that are not just environmental, as the needs and priorities of the target audience may be very different from those of the advocate. Additionally, the advocate should always consider

what language is best for presenting a particular message, and whether the use of multiple languages may be appropriate. Finally, the tone of the message must be considered. One must decide whether the goal is to excite the audience into action or to inform them of a situation. One also should consider whether the audience will expect complex and technical arguments, or, instead, whether technical wording will not appeal to them.

5.4 KEEP IT SIMPLE

The message should be simple, clear, and direct. People are more likely to understand and appreciate a short, clear message than a long and complicated one. People are often busy and unwilling to spend much time sorting out a message that is not clear. The advocate should generally avoid technical terms and jargon.

5.5 SPEAK TRUTHFULLY AND POLITELY

It is important that the advocate always tell the truth and be perceived as telling the truth. Advocacy campaigns that falsify or exaggerate facts are likely to lose support and fail in the long run. Credibility, once lost, is difficult to regain. Building a reputation for honesty, which involves acknowledging and dealing with strong arguments from opponents, is essential for any organization or individual's long-term success.

It is also important that an advocate speak firmly but not offensively. The advocate should not be judgmental or rude. No matter how important the issues is, advocates are more effective if they remain calm, polite, and keep their emotions under control.

The advocate's success in getting the message out, and building support for that message, will depend in part on the public's perception of the messenger. If the public, or some other target audience, comes to believe that the messenger is a trustwor-

"I'M FACING A COMPLICATED PROBLEM. WHY SHOULD I KEEP MY MESSAGES SIMPLE?"

Developing a simple message is one of the keys to getting the advocate's story out successfully. When the advocate's message is clear and simple, the advocate is more likely to win support from:

- *Politicians and other government officials.* Many decisionmakers respond only to well-defined demands, where there is uniform pressure on them to take a specific action.
- *The press.* Journalists and other members of the press have many issues competing for their time. Vague, confusing, or complicated stories will probably not get covered.
- *Potential supporters.* People inclined to support the advocate's efforts are more likely to offer their time, energy, or money if they understand the message that the advocate is trying to convey and are able to explain it to others.

Also, those who may oppose the work of the advocate will find it more difficult to attack, ignore, or undermine a clear message than a long and rambling one.

thy, credible, and knowledgeable source of information, then the message will be more easily accepted. If, however, the advocate's organization does not have the same level of credibility as other sources of information, then the message will be more difficult to disperse.

5.6 BE PREPARED TO RESPOND TO THE OTHER SIDE

The advocate must always expect opposition to his or her positions and be prepared to explain and defend them. Detractors can come from many different places: industry, local or national government, and even elsewhere in the public (since the "public" rarely speaks with one voice). It is important to think about what the possible criticisms might be (even those that may appear ridiculous) and work through appropriate responses ahead of time, when the advocate is not yet under any pressure.

5.7 TALKING POINTS

Once the environmental advocate has developed a message or messages, it is useful to prepare what are known as *talking points*. Talking points are comments, usually organized as a list, that summarize the advocate's position and the arguments supporting that position. Good talking points include responses to the counter-arguments that the advocate expects to hear from opponents. The word

THINGS TO REMEMBER

When crafting a message, advocates should ask themselves these three questions:

- *What* is the goal of getting out this particular message?
- *Who* must be convinced to do something or not do something? (Who is the target audience?)
- *How* can these people be convinced?

"talking" in "talking points" is a reminder that the points should be clear and easy for all members and supporters of the advocacy campaign to understand and talk about.

Talking points serve two important purposes. First, they help to ensure that all arguments for an advocacy campaign have been explored and clarified to the maximum extent possible. Second, they ensure that all persons involved in the campaign are "on the same page," or in agreement, when they discuss the strengths and weaknesses of the campaign with the public, the press, industry representatives, other NGOs or CBOs, government officials, or anyone else. In other words, talking points help the advocate and the advocate's allies to avoid misstating their goals or contradicting one another.

Talking points are best developed in a group meeting where the persons in charge of the campaign try to list all of the reasons both for

nized as a list, that summarize the advocate's position and the arguments supporting that position. Good talking points include responses to the counter-arguments that the advocate expects to hear from opponents. The word

DRAFTING "TALKING POINTS"

Drafting "talking points," which are used around the world not only by NGOs and CBOs but also by world leaders and major corporations, requires nothing more than a piece of paper and a pen.

A good way to organize talking points is to set forth all of the best arguments for the advocate's position, including the best responses to any strong challenges to that position, on a single sheet of paper. Each argument should be separated from the next (it is helpful to use "bullet points") and should be expressed in a sentence or two. Each argument should include the most important facts or statistics that support it and be easy to explain. To remember an individual point, advocates can use a key word or phrase.

Regardless of how talking points are written and remembered, consistency and clarity will be crucial to getting the message out.

SLOGANS

A slogan is a catch phrase or a rallying cry that is associated with a particular cause or advocacy campaign. A good slogan is simple and compelling. It identifies the issue and should help to mobilize public support around the advocacy effort. Activists in Kenya fighting proposed forest excisions, for example, used the slogan “Operation Save Our Forests.” (The slogan proved so popular that supporters of the forests excisions tried to use it as well!)

and against their position. It is essential that some people play the role of “devil’s advocate” by identifying and advancing all of the arguments likely to be made by opponents. A successful environmental advocate understands the opponents’ arguments as well or better than the opponents themselves do. Arguments for and against the message or goal should be identified and examined one by one. Once this is done, the supporting arguments can be strengthened and the contrary arguments can be addressed. If the advocate fails to fully explore all of the arguments, he can be sure that someone else (most likely an opponent) will.

Once the arguments and justifications are identified and agreed on, they should be written down and distributed to all persons involved in the campaign. It can be very damaging to a campaign if its advocates misunderstand or misstate issues related to the campaign. If possible, all persons involved should speak with one voice.

INTRODUCTION TO DISTRIBUTION

When an environmental advocate has crafted one or more messages, it is time to get the word out. One important way, of course, is through the media—including newspapers, radio, and television. Media tools are discussed in Chapter 6. Using boycotts and strikes to disseminate a message is discussed in Chapter 8, while using demonstrations and other public actions is discussed in Chapter 9. Another way to disseminate information is through alliances, including informal networks and coalitions. These were discussed in Chapter 3. The rest of this Chapter explores other ways that environmental advocates can get their messages out.

Just as a message should be designed to speak to a particular target audience, a message should also be tailored to the *medium*, or form of dissemination, that will be used. In other words, a message will be delivered differently to a newspaper reporter than it is delivered orally to a group of potential supporters at a public event. And if the message is placed on a poster, it will look different still. The message should always be crafted to make the best use of the medium that will convey it. The advocate also must remember that every message has the potential to reflect well—or poorly—on the advocate, the advocate’s organization, and the advocate’s cause.

GETTING THE WORD OUT—PRINT TOOLS (NON-MEDIA)

Environmental advocates have many tools at their disposal for getting their messages out. Like most advocacy tools, some of these tools can be simple to use and relatively inexpensive (such as signs), while others can involve far more work and cost (such as setting up Internet websites). As mentioned above, techniques for disseminating written messages to the media will be explored separately in the next Chapter.

When using any of the following print tools, advocates should remember to check for correct spelling, use short sentences, include facts and examples whenever possible, and avoid using too many exclamation points (!!!!!).

5.8 SIGNS (INCLUDING POSTERS AND BANNERS)

Advocacy campaigns often use signs, including posters and banners, to get their message out. These tools present a relatively inexpensive way to disseminate information,

and their use provides many opportunities for creativity in design and placement.

Simple, bold lettering for signs and posters tends to be the most effective. As has been discussed, the message conveyed should always be clear and concise, with the text of the sign limited to a few words so that people can read and understand the message as they walk or drive past. If passersby have to stop to read the sign, or if they must puzzle over its meaning, it is not clear enough. Placing the message in the middle of the sign, with the location or contact information in smaller lettering below, is a common practice. If possible, the advocate should use a slogan.

In addition to text, the advocate can make use of symbols, pictures, photographs, and anything else that can be used to attract attention to a sign. The advocate should give special consideration to whether images, in the form of drawings or photographs, might be used to enhance the sign. It has been said that a picture is worth a thousand words. Pictures—for example, of sick people, a destroyed forest, or dead wildlife—can send a clear and instant message to the audience.

There are, however, drawbacks to using images. Integrating photos or drawings into signs is more expensive than using text alone, and the addition of color photography or printing costs even more. Also, because images can evoke such powerful responses, some people may be offended by them – especially when they depict a violent or gruesome subject.

If skillfully used, attention-grabbing words and images can create a situation where the advocate's message is spread through word of mouth, the most successful “advertising” of all.

Creativity in determining where to place the sign is another key ingredient for getting attention. For example, banners hung from bridges or displayed on prominent buildings can seize the attention of the media and the public.

An alternative method of grabbing and holding attention with signs is the use of so-called *teasers*. Teasers are part of a dissemination campaign that slowly builds public interest by relying on people's natural curiosity. The first signs posted “tease” people by presenting vague but eye-catching references to a topic. Soon after, additional signs are posted. These later signs slowly reveal more and more about the campaign. Finally, the succession of signs ends with a full disclosure of the campaign and the ways in which people can help. The goal of this approach is to generate curiosity and encourage people to discuss the evolving issues. The drawback to using teasers is that people may become annoyed. After all, this technique violates the guiding principle that signs, like any method of delivering a message, should be clear.

5.9 TEXT (INCLUDING FLYERS, PAMPHLETS, NEWSLETTERS, POSITION PAPERS, AND RESEARCH PAPERS)

Traditional, text-based materials provide yet another way to spread the word. This set of tools generally includes flyers, pamphlets, and newsletters, as well as more scholarly research papers. Text-based materials can be used to supplement signs and other tools (for more attention) or in place of them (if, for example, signs are repeatedly vandalized or torn down, or are illegal).

The most basic text-based tool is the *flyer*, a single page that can be posted on walls or handed out to passersby on the street or at an event. Flyers, like posters or banners, are used to present a simple message in a compelling way. A flyer usually contains a brief description of the environmental issue (perhaps mentioning specific, attention-grabbing facts or examples), explains how the reader can help, and encourages the reader to contact the advocate or the advocate's organization to volunteer, donate funds, or offer other support. A flyer should contain any necessary contact information. Although

flyers are fairly inexpensive to create and distribute, they are difficult to target to an audience, can result in litter, and frequently have an unclear impact. If they are to be used, the environmental advocate should strive to post or distribute them in places where the effect is likely to be greatest. At the very least, distributing flyers demonstrates devotion to a cause.

A *pamphlet*, which contains more information than a flyer, is a tool for providing details about an advocate's organization or cause. A pamphlet can be a booklet of several pages, or merely a single page of paper folded into thirds and printed so that it resembles a small book. Many advocates maintain numerous pamphlets that describe their organization, its goals, the recommended actions to be taken, and important contact information. Due to the production expenses of a pamphlet, as well as its level of detail, it is best to distribute a pamphlet only upon request, or when the advocate is with a group of like-minded people (for example, at a conference, in a student group, etc.).

Newsletters are a means for keeping supporters and other interested individuals and organizations informed and up-to-date about the advocate's activities and the events unfolding around a particular issue. For example, an advocate may wish to update supporters on the status of forest cutting, pollution in a local river, poaching in a nearby forest, etc. Newsletters represent an excellent way to build a consistent group of supporters and to keep them informed on key issues.

Newsletters may be developed and sent out on any regular basis, such as once a month, every two months, or every three months. The frequency is based in part upon the speed with which the relevant environmental issues change, the time and expense required to produce and distribute the newsletter, and reader interest. Because creating, printing, and mailing a newsletter can be expensive, the advocate may wish to create a small number of copies and give them to people in specific circumstances, such as at conferences or in networking. In general, it is better to have a shorter newsletter of higher quality than one that is long, not well assembled, and thus unlikely to be read.

CAUTION!

Advocates must always think carefully before putting words into writing and taking them public. Regardless of how an advocate chooses to get the word out, it is important to remember that every message—but especially a message in printed format—reflects on the knowledge, credibility, and overall public image of the advocate, the advocate's organization, and the underlying cause.

Also, materials created for one audience can easily end up in the hands of another, less friendly audience. It is wise for the advocate to assume that whatever is written will eventually be read by everyone. If this is unacceptable, an advocate should consider other ways to convey the message that might be less threatening, or less likely to result in harm to or difficulties for the advocate.

An opponent of the advocate may even bring a lawsuit against the advocate for *libel*, claiming that the advocate's words are false and have damaged to the opponent's reputation. See Chapter 10, which discusses lawsuits intended to silence the advocate.

A *position paper*, or *white paper*, may be used to summarize an advocate's position on a matter. This is usually a list of the major issues and important themes an advocate would like to communicate about a subject or issue. It can be used to educate allies or decisionmakers.

Lastly, some advocates and organizations may wish to develop *research papers* or background papers describing in great detail the nature of the relevant environmental problem and the solution to that problem. This is by far the most complex and expensive form of

text tool, and it is probably most useful when the advocate is seeking financial support from potential funders or trying to convince experts or academics about the correctness of a position. If published in a journal or other publication, such papers may lend credibility to an advocate's cause or organization. However, developing and writing even a simple research paper is a challenge and requires at least a reasonable level of environmental knowledge and writing skills on the part of the author.

THE INTERNET

The Internet is a powerful tool for getting the word out locally, regionally, and around the world. There are two primary ways an advocate can use the Internet to disseminate messages: (1) by posting those messages on websites, and (2) by using newsgroups, listserves, or electronic mail (“e-mail”). Each of these two Internet tools is discussed below, followed by a reminder of the two great hurdles to Internet use in Africa: access and cost.

5.10 WEBSITES

Many environmental organizations in Africa and around the world have their own websites, or locations, on the Internet. This location is usually expressed in the form of a one-line string of words, somewhat similar to a mailing address or a Post Office box number. For example, the web address for the Environmental Law Institute is *www.eli.org*, and the web address for ELI’s Africa Program is *www.eli.org/africa/*.

An organization with a website can use it to post information about environmental issues, contact information for the organization, relevant documents such as background papers and reports, photographs, or just about anything else. A person anywhere in the world with a computer and access to the Internet can view these materials. It is important for the website be of good quality (easily readable, useful, and functional) and kept up to date, for the benefit of colleagues, potential funders, and other visitors. The quality of a website may be viewed as a reflection of the quality of the organization that hosts the site.

Websites can be *linked* with one another so that a visitor can “jump” from one website to the next. An environmental advocate starting a website should contact related organizations with an existing website and ask them to provide a link to the advocate’s website. Websites that function as “search engines” (for example, *www.google.com*, *www.yahoo.com*, etc.) also should be contacted so that people interested in an advocate’s issues can locate the advocate’s website by searching the Internet.

5.11 OTHER INTERNET TOOLS

Even if an advocacy organization does not have a website, the Internet offers other ways to get the message out. These include Usenet (including newsgroups), listserves, and e-mail lists. Or, more simply, the advocate can simply send e-mail messages.

Usenet is a world-wide discussion group system that can be accessed through the Internet. A good place to start is at the following address: <http://ibiblio.org/usenet-i/>. Usenet includes a vast number of *newsgroups*, which are areas where people with a particular common interest can post and share messages and articles. While many of these newsgroups require some sort of subscription (some are public, others private), they provide an excellent opportunity to reach people elsewhere in the world who are interested in the same environmental topics and who may be able to provide advice, support, or assistance. One way to get the word out is to visit newsgroups on occasion and post comments or questions on the issue being discussed. In doing so, the advocate can leave a “signature” on the message that includes important contact information. Connections made in this way also create new opportunities for networking, a topic covered in detail in Chapter 2.

A *listserve* is an automatic mailing list server. When an e-mail is addressed to a listserve mailing list, the message is automatically sent to everyone on that list.

E-mail lists serve the same function, except they do not allow for easy interaction between multiple recipients of the organization's message. While websites are passive (relying on their audience to take the initiative to investigate an advocate's activities), listserves and e-mail lists allow advocates to get their message out to recipients more proactively. Generally speaking, listserves attract people who are already sympathetic to a cause (as evidenced by their subscription to the listserve).

Sending simple e-mail messages is yet another way to convey information on the Internet. E-mail is a good alternative to the telephone for detailed information or for contacts who are often busy. The advocate should bear in mind, however, that e-mail is typically not secure, and a message sent to one recipient can be forwarded to someone else without the advocate's consent. E-mail communication is nearly instantaneous, though users should recognize that the technology is occasionally unreliable. Therefore, when important messages are sent, the advocate may want to ask the recipient to confirm that it has been received. Newsletters, mentioned earlier, can also be sent by e-mail. It is important not to send many e-mails to large numbers of people who have not given you permission to contact them. Such practices are rarely effective and often annoy people.

5.12 OBSTACLES TO INTERNET ACCESS

Despite the wealth of opportunities presented by the Internet, two large obstacles to Internet use exist throughout Africa: access and cost. Although Internet use is growing on the continent, many communities, particularly in more rural areas, have no access at all. Even where access exists, persistent problems with equipment and Internet providers

can prevent or substantially hinder the advocate who is working with limited time and financial resources. Fortunately, more and more communities now have "Internet cafes," where Internet access time can be purchased by the hour. Opportunities for business and even home use in many countries are increasing as well. But for the foreseeable future, reliable access is likely to remain a problem for most advocates in Africa.

Additionally, accessing the Internet for many people remains too expensive to make it a tool for regular use. Although large cities sometimes offer reasonably priced Internet access, the cost of access in rural areas, where such access exists, can be prohibitively high. Many government agencies in Africa, particularly at the local level, cannot afford it. Environmental advocates may, for now at least, be forced to view Internet access as

HELPFUL WEBSITES

The following websites contain information to help NGOs learn how to use the Internet (including e-mail, listserves, etc.) as an advocacy tool:

- <http://www.netaction.org>
- <http://dlis.gseis.ucla.edu/people/pagre/alerts.html>
- <http://www.nonviolence.org/support/>
- <http://www.ibiblio.org/usenet-i/>
- <http://www.idealists.org> (includes a database of over 24,000 organizations worldwide, which may be searched by area of interest or location)
- <http://support.enviroweb.org/> (the EnviroLink Network's EnviroWeb program offers free Internet services to non-profit organizations within the environmental and animal rights communities)

These websites contain lists of environmental organizations:

- <http://www.idealists.org/>
- <http://www.civilsoc.org/nisorgs/nisenvir.htm>
- http://www.igc.org/igc/gt/Members_EcoNet/
- <http://www.gsf.de/UNEP/contents.html>
- <http://www.envorgs.com/>
- http://dir.yahoo.com/Society_and_Culture/Environment_and_Nature/Organizations/
- <http://envirolink.netforchange.com/>
- <http://www.webdirectory.com/>

an occasional luxury to be used wisely. Targeted e-mails represent perhaps the most cost-efficient means of using expensive and limited Internet resources.

GETTING THE WORD OUT—IN PERSON

In addition to using the various print tools to reach people, many environmental advocates also look for opportunities to communicate messages to people directly, through in-person contact. Two ways of accomplishing this are through public meetings organized by the advocate and through speeches. These tools are discussed below.

5.13 PUBLIC MEETINGS

An advocate can organize an event in connection with a new or existing campaign or arrange to speak at an event organized by others for related purposes (for example, World Environment Day on June 5, Earth Day on April 22, etc.). Following is a discussion of how to organize a public meeting.

When an advocate or organization is arranging an event, careful preparation is necessary to achieve the highest possible attendance. Care should also be taken to ensure that the program will run smoothly and maintain people's attention, because attendees may become dissatisfied if a meeting is not carried out efficiently. Poor planning at any meeting can lead to lower turnout at the organization's next event.

If a meeting is to be held in the area of a traditional community, it is important to ask permission from the traditional leader and traditional council. It would also be wise, of course, to lobby for their support on the issues to be discussed.

Prior to notifying the public of an event, it is important to arrange for a meeting place, prepare any needed materials (papers, etc.), and confirm that the planned speakers will attend. If at all possible, the advocate should try to view the room or other location (which could be outside) and test any equipment in advance to make sure they are satisfactory. It is often better to have a slightly smaller room, which can be filled by a small group, than a large one that could seem empty during the meeting and make the event feel poorly attended. Additionally, a crowded room will make the audience feel more engaged and provide a better forum for discussion.

CAUTION!

The advocate should always use care to convey facts correctly, particularly when describing an individual or organization, such as a business, that is the object of an advocacy campaign. If an advocate uses words that are false and cause damage to someone's reputation, the advocate may be vulnerable to a lawsuit for *slander*. See Chapter 9 for a discussion of lawsuits used to silence advocates.

Once the issue, date, and location are chosen, publicity is required. Meetings may be publicized through the dissemination methods discussed in this Chapter and Chapter 6, on Media Tools (for example, using word of mouth, flyers, signs, press releases, e-mail, etc.). To increase attendance and participation, the advocate should follow up with people who seem interested to remind them of the event and ask them to bring their friends along. Personal invitations greatly increase the likelihood that people will attend. Also, a good way to attract people is to offer free food or drink. This approach is easier and cheaper, of course, for a smaller group.

All speakers should be contacted a few days before the meeting as a reminder. The advocate should find out how each speaker would like to be introduced and practice the introduction ahead of time. On the day of the meeting, the planners should arrive at the designated meeting place early in order to set up and test any equipment and to see that the room has been properly arranged. Spending this time in the room also increases

familiarity with the facilities, which may help to decrease anxieties about speaking in front of an audience.

The advocate may consider having a sign-in sheet where people who attend the meeting voluntarily write their address, phone number, and e-mail address. An advocate can use this information to follow up with potential contacts and other supporters. This is also an excellent opportunity to distribute—or at least make available on a table—literature about an advocacy campaign or organization. Should anything go wrong, it is important to keep a positive and light atmosphere in the meeting and to not allow any upsetting circumstances ruin what could still be a productive event. As they say when someone is learning to dance the tango, “if you make a mistake and stop, you have made your second mistake.”

In the days and weeks following the meeting, an advocate may want to inform the persons who attended of any new actions taken or of other relevant developments. It is also important to thank speakers for their help and to publicly recognize them.

5.14 SPEECHES AND OTHER PRESENTATIONS

Sometimes the advocate will have the opportunity to speak at an event organized by others. This could be at a community event or fair, university, workshop, conference, or other event organized by an NGO or CBO, a government hearing, or just about anywhere else. A speech or other oral presentation can be delivered individually or in connection with a panel or group of speakers addressing a particular subject.

As with the crafting of any message, it is important that the advocate understand what is to be accomplished with the speech or presentation and who the audience will be. Following is a brief discussion of additional points to keep in mind when preparing a speech. Many of these recommendations are adapted from the Allyn & Bacon Public Speaking website, on the Internet at <http://www.abacon.com/pubsspeak>.

Organizing the speech

A well-organized speech contains a beginning, a middle, and an end. Also, every speech should follow a consistent organizational pattern. A speech can be organized by topic; chronologically (from past events to recent events); spatially (with visual aids, props, etc.); from most important issue to least (or vice versa); in a “Who-What-When-Where-Why-How” manner; by eliminating the competing alternatives and arguing for the remaining, correct solution; or in other ways. Sometimes one particular pattern will be preferable to others because of the subject matter and the audience. However, what is most important is that the speaker is comfortable with the content of the speech and the manner in which it will be presented.

The introduction and conclusion are extremely important. The introduction is what grabs the attention of the audience at the beginning, and it also allows the speaker to relieve some of the anxiety that comes with speaking in front of a group. Some successful strategies for introductions include telling a quick story, reading a famous quotation, asking rhetorical questions in succession (not for a response but just to get the audience thinking), listing surprising statistics, or telling a joke. By carefully planning the introduction, the speaker will be rewarded with a comforting response (be it laughter, appreciation, or surprise) from the audience, which will in turn ease his or her anxiety.

The concluding section of the speech is also critical because it is the part that most listeners will most remember. A good conclusion can also build excitement in the listeners and serve as a successful call to action. Conclusions often include a brief restatement of the main points of the speech, but they should also be memorable: the

advocate should carefully think about what idea or image to leave the audience with.

Practicing the speech

People prepare to speak in many different ways, but one common element remains true: the more practice the better. Some people give the speech over and over to themselves (in front of a mirror, if possible), while others present it to their friends, family, or any other friendly audience willing to listen and offer suggestions.

A common technique for remembering a speech is to list the key phrases or words from each section of the speech. As the speech is practiced, the advocate will find that

fewer and fewer words are needed to recall the main points. Eventually, it may be possible to give the speech using only a single sheet of paper containing key words and phrases—or even with no visual guide at all. Limiting the amount of paper is also helpful because speakers who flip through pages while they speak risk getting lost in their notes, and also run the risk of annoying the audience.

Speeches are often followed by a question-and-answer session during which listeners question the speaker about the speech or the general subject area. Speakers should prepare for such questions in advance, so that they are less likely to be caught off guard. This can be done by having a fellow organizer listen to the speech in advance and then ask the speaker confrontational questions. The speaker's practice responses to questions can then be analyzed beforehand to look for ways to improve them.

Delivering the speech

There are many ways to deliver a speech, and the speaker should choose the one that best fits the issue, the forum, and the speaker's comfort level. A speaker must decide whether to read directly from a manuscript, speak from memory, or do something in between. Also, a speaker must decide whether to use a podium and give a formal speech, or whether to use hand gestures, walk around, or use other physical gestures. Public speaking is extremely personal, and what works for one person often will not work for another. Some speakers are loud and powerful; others obtain equal effect by speaking with soft conviction. Practice helps the advocate determine which style is best.

Sometimes the speaker will encounter a person, known as a *heckler*, who disrupts the speech by shouting, asking repeated and annoying questions, talking, or otherwise interrupting the advocate. There are many different ways to address this problem. One approach is to avoid eye contact with the individual and ignore him. Another idea is to acknowledge the person's concerns (whatever they may be), and offer to have a separate conversation with that person during a break or after the presentation. Others in the audience usually realize when someone's behavior is inappropriate, and they may also encourage him or her to be quiet. If this person is trying to be funny, it may even be useful to go along with the heckler. Whatever approach the advocate uses, he or she should not lose composure. The goal of a speech is to convey information to the audi-

TIPS FOR PUBLIC SPEAKING

A speaker should...

- Avoid speaking in monotone. Instead, the voice should fluctuate in its speed, volume, and pitch, to sound natural.
- Speak slowly, clearly, and loudly enough to be heard by people in the back of the room. Ask people in the back if they can hear the discussion.
- Use natural gesturing and other body movements to complement the speech. But be aware of and try to avoid nervous movements such as fidgeting and swaying from side to side.
- Avoid the excessive repetition of useless filler words such as "um," "like," and "you know."
- Involve listeners in discussion to the greatest extent possible. People remember what they say much more than what they hear someone else say.
- Invite family, friends, and colleagues to listen to a speech and offer suggestions ahead of time to help eliminate potential problems.

ence; if the speech becomes a shouting match between the advocate and the heckler, the opportunity to persuade and motivate the audience may be lost. Also, if the advocate gets into an argument with the heckler to win the favor of the audience, the advocate runs the risk of losing.

SPECIAL CASE: BUILDING COMMUNITY AWARENESS

Building community awareness of environmental issues is an important underlying goal for any environmental advocacy effort. The more that people can understand the nature of an environmental issue, and what they can do to help either directly (by volunteering or taking some other action) or indirectly (by supporting advocates financially, etc.), the easier the advocate's task will be. Developing community awareness is an investment of time in both the community and the environmental issue, and it is essential for changing behavior and gaining support for environmental causes over the long run.

5.15 SPECIFIC BENEFITS OF BUILDING COMMUNITY AWARENESS

The typical environmental advocate, who is pressed for time and money and focused on a specific issue, may wonder what the real value of educating the public is. Building awareness can advance the advocate's cause in several important ways over the long run. A community that is educated on an issue can provide the foundation for building a broad-based consensus on that issue. When community members grasp the nature of both the problem and the likely solution to the problem, the advocate is more likely to find a receptive audience for his or her messages and calls to action. Additionally, an educated community is more likely to offer various types of support, in the form of volunteered time, moral backing, political support, and possibly even financial assistance. There is great value in having grass-roots support for any advocacy effort.

Awareness-building activities, when executed effectively, can generate excitement in potential supporters and provide a new opportunity to draw them further into a cause or movement. For example, if the advocate has organized a cleanup of a lake, the advocate can discuss with participants the sources of garbage and pollution in the area, as well as possible solutions. Participants in events like these have already shown some interest in the issues by coming out. The advocate should try to build and nurture this interest.

5.16 ACTIVITIES FOR BUILDING AWARENESS IN THE COMMUNITY

Efforts to build community awareness provide an opportunity for community members to become actively involved in improving their village, neighborhood, or community in a hands-on way. Some possibilities include:

Community cleanups

A group effort to clean up a pond, lake, coastline, or other common area presents a means of engaging people in important environmental work while building their interest in the underlying issues.

Community workshops and training sessions

The environmental advocate can also organize small, half-day or evening workshops or training sessions to raise the community's awareness of a particular issue. It is important that these events engage the participants in discussion and problem-solving. The advocate should never plan such an event simply for the purpose of lecturing.

Community festivals and cultural celebrations

The advocate might also introduce environmental education activities into an existing cultural or community festival, or even a neighborhood fair. When such an event has already been scheduled and planned by others, the costs of participating may be limited to the advocate's time and any necessary printed materials or signs.

The Baka, who are indigenous to Cameroon, organize a festival on a regular basis. During this festival, known as the Libanji, the Baka hold workshops on traditional techniques, hold exchanges between villages, and discuss, among the elders, the condition of the Baka. Recently, the Centre for Environment and Development in Cameroon has supported the Baka in organizing and holding the festival in Djoum, where the Libanji has not been held for two decades.

Film festivals

Film festivals provide another opportunity to raise environmental awareness. A rented theater, or even a television and a video cassette recorder, can be used to present a series of films, perhaps as few as two or three, addressing pertinent environmental issues. Here, the idea is to both entertain and educate participants. Discussion should follow each viewing.

Community theater and puppet shows

Similarly, environmental themes can be presented through stage performances (for adults or children) and puppet shows (for children). These methods of raising awareness offer an excellent outlet for the creative advocate.

Case Study #6, on pages 60-61, describes how community theater has served as a tool to convey the message of sustainable wildlife use not just to local communities, but also to key decisionmakers.

5.17 OTHER CONSIDERATIONS

In undertaking community awareness-building activities, the advocate should take special steps to encourage participation by traditionally marginalized groups, such as women, youth, and the elderly.

Youth, in particular, play an important role, because behaviors that they learn at an early age can become a lifetime habit, and may in turn be passed along to their children. An advocate can appeal to youth in many ways. For example, teacher workshops can be organized to assist teachers in training their students on particular environmental issues. The advocate can also appeal directly to students through after-school classes and activities, the establishment of youth environmental clubs, or simply by offering to volunteer time to existing youth organizations, camps, etc. Creativity and interaction are the keys to involving children. Environmental games (such as a game based on naming as many environmentally friendly actions as possible) and field trips are valuable because they rely on strong participant involvement.

Activities to build community environmental awareness need not be restricted to the boundary of the village. The advocate should consider expanding this work to nearby and surrounding communities, in an effort to further develop common interests.

NOVEL TOOLS

There are perhaps as many ways to get a message out as there are ways in which people communicate. The environmental advocate should always be as creative and innovative as possible in the development and use of advocacy tools to get the message

CASE STUDY #6
SOUTHERN AFRICA: ADVOCACY THROUGH THEATRE

Excerpts from a Case Study by Brian T.B. Jones
 Windhoek, Namibia

INTRODUCTION

This case study examines an example of the use of theatre for environmental advocacy. It shows how theatre was used as an alternative way to convey a complex set of messages regarding the sustainable use of African wildlife resources to a world audience. It also shows how the use of theatre transformed the messages from those of a group of urban, professional experts into those of rural African villagers.

The example chosen, the development and performance of a play called “Guardians of Eden,” demonstrates how powerful theatre can be as a tool for environmental advocacy. The play was first conceived as a means of spreading the message of sustainable use of wildlife to the 1996 IUCN World Congress on Conservation. It took place against the backdrop of fierce international debate about the extent of animal rights, and in particular the level of protection that should be afforded to the African elephant.

The group of people who thought of using theatre to get their message across were members of the IUCN Southern Africa Sustainable Use Specialist Group (SASUSG). This group wanted to present the view that it was necessary for African wildlife to be not simply protected, but also used to generate income for local people. Wildlife should be seen by local people as a viable land use so they would not convert wildlife habitat into grazing and croplands. If the people who lived with wildlife did not benefit from it, they would not have an incentive to conserve wildlife.

The SASUSG group was concerned that one more lengthy paper presented to a large and diverse audience at the World Congress would not have much impact and sought alternatives. They hit on the idea of theatre as a means of conveying their message. The result was a play that was not only a success at the World Conservation Congress, but which proved to be a huge hit at international theatre festivals. It played to diverse audiences, ranging from the theatre-going urban middle classes in the United States and Europe, to rural villagers in several African countries, to presidents and cabinet ministers.

The play was successful, both as a means of conveying an environmental message and as a play in its own right. As a result, a spin-off project was launched to develop small, local theatre companies in a number of African countries to continue with similar work on a commercial basis. For example, the company from Zimbabwe gave its first public performance to participants at the biennial conference

of the International Association for the Study of Common Property in Victoria Falls in 2002.

DEVELOPMENT OF THE PLAY

The group of conservation scientists, conservation practitioners, and social scientists that makes up SASUSG initially thought that a role play would be the best way to have impact and gain the attention of participants at the 1996 World Conservation Congress. They had great fun themselves working through this idea and taking on the roles of a village chief, the village poacher, and rural women. However, they also realized that a role play might not be the best way of engaging Congress participants. A professional playwright and director from South Africa, Nicholas Ellenbogen, was contacted, and his company, Theatre for Africa, engaged to help develop a play that could convey the SASUSG message.

Ellenbogen insisted that if the SASUSG members were serious about communicating the views of African rural people on sustainable use of wildlife, then such people should have a role in the development of the play. He then carried out a series of field visits to rural communities in Mozambique, Zambia, Zimbabwe, Malawi, South Africa, and Kenya to hear their views and understand the problems they face living with wildlife. He also recruited suitable people to become actors in the play.

The play was put together without a script, using only a brief summary. Ellenbogen and the actors developed the play scene by scene, together, based on what had been heard in the rural communities. The actors began rehearsals in May 1996, and the play was launched at the Grahamstown Festival in South Africa in July of the same year.

THE WORLD TOUR

“Guardians of Eden” played to packed houses at Grahamstown and received standing ovations. This gave SASUSG and Theatre for Africa the confidence to put together a world tour that included important conservation events such as the World Conservation Congress and the World Wide Fund for Nature Annual General Conference. A performance was given in Brussels to the commissioners of the European Union and members of the European Parliament. In the United States, performances were given to the United Nations and the World Bank. The play was a smash hit at the Edinburgh Festival in Scotland and received excellent reviews in South Africa, Zimbabwe, Kenya, Canada, and

Germany. The tour culminated with the World Conservation Congress, where the play was performed four times.

Following the world tour, "Guardians of Eden" was also performed at the Conference of the Parties of the Convention on International Trade in Endangered Species (CITES) and again toured Southern Africa. Many of the performances were for rural communities.

SASUSG GOALS IN USING THEATRE

SASUSG had a number of specific goals in using theatre as a medium for conveying its message. The goals were:

- To present the Southern African principles of sustainable use at the World Conservation Congress;
- To reach target audiences of key decisionmakers and donors in the Northern Hemisphere; and
- To develop new ties with like-minded conservation organisations in other countries, as well as organisations outside of mainstream conservation (such as rural development agencies). SASUSG also wanted to develop new relationships – and strengthen existing ones – with conservation and rural development professionals.

EFFECTIVENESS IN ACHIEVING THE GOALS

"Guardians of Eden" proved to be a huge success in conveying the sustainable use message. Audience responses and media reviews made clear that the play successfully communicated the key issues facing African communities in terms of rural development and the potential contribution of wildlife to this development. Audiences also learned how some northern hemisphere conservation policies and approaches place constraints on the ability of rural Africans to realise this potential.

The play was successful in conveying the sustainable use message for a number of reasons:

- The show was entertaining and professionally produced and directed. It could stand alone as a successful play without consideration of its message. The professional reviews of the play (rather than advertising by SASUSG and other conservation organisations) proved to be the best form of publicity.
- The play did not present explicit and direct messages. Experiments during the world tour with direct statements about sustainable use principles failed. It was interesting that those with the most intimate knowledge of the theoretical aspects of sustainable use wanted the direct approach and felt that the message would not otherwise get across.
- The play had moved from presenting what outsiders thought was important to rural Africans to presenting the views of rural Africans themselves. This was

achieved by hearing the views of villagers directly, and through the involvement of the actors themselves in developing the play.

- The play was left to convey the message without any discussion or theorising afterwards. It was realised that any attempt to have a post-performance discussion on sustainable use would be inappropriate. It would have detracted from the mood, atmosphere, and impact of the play.
- SASUSG realised that it could not support the development of the play and the world tour on its own. It established a coalition of Southern African and international NGOs that supported the sustainable use concept. This coalition was important for fund-raising, logistical support, and the opening of doors in various countries and with various organisations.

The play was particularly successful in reaching key decisionmakers and donors not only in the northern hemisphere, but in Africa as well. To attract these individuals, the organizers sent out personalized invitations for private performances. Members of the target group were identified through the contacts of collaborating partner organisations. It was essential to have well-designed invitations and to carry out an intensive follow-up campaign by telephone. Attendance was boosted by being able to tell those invited that other important persons had already accepted. It was also helpful to have an attractive and convenient venue and to throw in a free cocktail party.

At each performance for a high-level, invited audience, a range of material was provided in a folder for participants. The folder included information on SASUSG, sustainable use principles, rural development issues, and Theatre for Africa.

The world tour helped SASUSG to develop new contacts and raise its profile as a group beyond the normal conservation circles.

CONCLUSIONS

The experience of developing and performing "Guardians of Eden" demonstrates that theatre can be a powerful tool for environmental advocacy. Given the right opportunities and careful targeting, theatre can be used to reach the highest of decisionmakers, such as presidents and officials of the United Nations and the World Bank. At the same time, the way in which the play was so joyfully received by rural African audiences also demonstrates that theatre can be a very useful tool for accurately conveying the views of villagers to those who affect their lives at the national and international level.

out. Creative approaches are more likely to create excitement within the community (and among volunteers and supporters) and to generate discussion of the issues. The

In Guinea, Winrock International, with support from the United States Agency for International Development, is distributing a series of comic books. These comic books educate villagers and communities on how to use written land contracts when buying, selling, or leasing land. Often, traditional ways of documenting land contracts, and thus proving land ownership, may not be recognized by courts. Therefore, Winrock has created comic books that demonstrate how written agreements can be used to document such transactions. Winrock has widely distributed these comic books, conducted land contract workshops, and arranged for the broadcast of a radio play that educates land users about the importance of written agreements. In the first two years that these tools were used, more than 134 new land use agreements were signed, which far exceeded the number of land contracts expected to be signed in those years.

tools reviewed in this Chapter will be helpful, but it is always important to consider whether a combination of tools—or new and different tools—would better suit the advocate’s needs based on the purpose and the audience. In addition, the advocate and his or her associates must always be aware of the limitations of local law and custom. Even legal activities sometimes invite a backlash from companies, officials, and citizens that are adversely affected by, or merely disagree with, the advocate’s actions. For more on this point, see Chapter 10.

As just one example of an innovative way to spread the word, the advocate might consider inviting a high-ranking government official to visit a local site to view environmental damage. The media could also be invited, but it may be best to obtain the official’s consent first. The advocate benefits from a broader governmental and public

awareness of the problem, and the official may benefit by demonstrating (in a public way) his or her genuine interest in the community’s needs.

Art, which has always played a major role in the environmental movement, is another outlet for disseminating messages. For example, people have used large puppets or other objects to draw attention to an issue. Photographs of scenic vistas remind people of the beauty all around them and of the need for preservation, while photographs of ruined landscapes, sick people, and dead fish can remind them of the pressing need for change. Other forms of art such as paintings, sketches, and sculptures can draw attention to a cause and win new supporters. Here again, creativity is the key. For example, a contest could be held for schoolchildren or local artists to artistically represent a particular environmental problem (for example, threats to an endangered species, such as the Black Rhinoceros), with an award and recognition going to the winner. Humor can be used very effectively, as long as it is not meant to embarrass or ridicule.

OTHER RESOURCES

Allyn & Bacon Public Speaking website. This resource teaches users about the process of public speaking and helps them to write speeches. Available on the Internet at <http://www.abacon.com/pubspeak>.

Kristen Wolf, *Now Hear This: The Nine Laws of Successful Advocacy Communications* (Fenton Communications, 2001). This user-friendly handbook contains tips for thinking about communications campaigns. Available on the Internet at http://www.fenton.com/resources/nht_report.asp. The mailing address for Fenton Communications is 1320 18th St. NW, Fifth Floor, Washington, DC 20036.

CHAPTER 6

GOING PUBLIC WITH THE ISSUES: MEDIA TOOLS

The media (or press) includes all means of communication for providing the public with news, information, and entertainment. Generally, it refers to print media, such as newspapers, magazines, newsletters, and journals, as well as broadcast media, such as television and radio. The word media is also used to refer to the reporters and journalists who work in the communications industry.

OVERVIEW

This Chapter explores the benefits of involving the media in advocacy, general approaches to working with the media, and the primary types of media tools. Some people make a career out of advising people on working with the media. Thus, this Chapter is meant to be an introduction only.

BENEFITS OF INVOLVING THE MEDIA

Environmental advocates use media tools for many reasons. Four primary reasons for doing so are discussed below. First, the media provides a mechanism for rapidly disseminating important environmental information—both problems and solutions—to the public, often at no cost to the advocate. Second, effective use of the media can help build public support to address environmental issues. Third, media coverage is crucial for attracting and holding the attention of key decisionmakers. Finally, media attention can provide protection to environmental advocates from retaliation by those who might oppose the advocacy campaign by keeping the advocate before the public in what can be called a “*protective spotlight*”. A spotlight is used to focus attention on the main actor on a stage. It can be protective if, by having attention on the advocate, it means that harm is less likely to come to the advocate.

6.1 DISTRIBUTE INFORMATION

The media is a powerful instrument for distributing information on environmental and health issues. Building support for an issue or a cause often begins with distributing accurate information to potential supporters and allies. Citizens, communities, and organizations can use the media to distribute information on environmental problems, as well as to distribute information on possible solutions to these problems.

Case Study #7, on pages 64–65, demonstrates how advocates in Uganda worked with the media to publicize the Bujagali Falls hydroelectric power project.

6.2 GAIN PUBLIC SUPPORT

Citizens, communities, and organizations can use the media as a tool to build public support for their efforts to address environmental concerns. Public backing is often

CASE STUDY #7

UGANDA: ENSURING PUBLIC INVOLVEMENT IN THE BUJAGALI HYDROPOWER PROJECT

Excerpt from a Case Study by Kenneth Kakuru
Director, Greenwatch (Uganda)

BACKGROUND

The world's longest river, the Nile, flows out of Lake Victoria in Uganda at Jinja. At this point there was once a waterfall, which John Hanning Speke, an English explorer and the first European to set foot at this place, called the Rippon Falls. But today when one stands at the same spot, known as the source of the Nile, one sees no falls. The falls were submerged in 1954 when a hydroelectric power dam, the Owen Falls Dam, was built.

Nine kilometers downstream from the Owen Falls Dam are rapids known as Bujagali Falls. The government of Uganda and AES Corporation, a power company based in the United States, plan to dam the river again and build a second hydroelectric power plant. This has resulted in a struggle between the Ugandan government, the AES Corporation, and the World Bank on one side, and a handful of environmentalists on the other.

GOALS OF ADVOCACY

Environmentalists do not oppose the dam, but contend that the law must be complied with before it is built. All alternatives must be considered. The cost of the dam must not be higher than the benefits. This the government and the developer failed to show. Instead, the whole project proceeded under secrecy. Environmentalists have been trying to open up these processes for public participation.

The environmental organizations include Greenwatch, the National Association of Professional Environmentalists (NAPE), Uganda Wildlife Society (UWS), Advocates Coalition for Development and Environment (ACODE), and Save Bujagali Crusade. Save Bujagali Crusade it is not a registered NGO, but a coalition of CBOs, community leaders, and members of the general public who oppose the project for various reasons. Most of these people were to be displaced by the flooding from the new dam.

RESEARCH AND DISTRIBUTION OF INFORMATION

Raising public awareness through the dissemination of information has been the most widely used, and most effective, advocacy tool in this effort. One can only disseminate the information one has, however. So the first strategy was to obtain as much information as possible on Bujagali as a natural feature, as a tourist attraction, and as a spiritual or traditional site.

We also sought information on each of the following specific areas:

- The Ugandan energy sector (as to demand, supply, cost, and bottlenecks)
- The law and policy in Uganda on environment and energy;
- Alternative sources of energy;

- The science and technology of hydroelectric power generation; and
- All possible adverse effects of the project on environment, biodiversity (plants and animals), and natural resources (by studying similar projects in other countries).

OBSTACLES

The greatest obstacle was time. The urgency of the matter first surfaced in January of 1999. By that time government had secretly concluded an implementation agreement with AES Nile Power Ltd., a local Ugandan company. The Attorney General had not been involved. The Uganda Electricity Board and the Ministry of Energy spearheaded this.

When the agreement was sent to the Attorney General, he rejected it. He said it required approval by Parliament because it contained a clause requiring the government to guarantee the developer's loan. There was an uproar in February when the matter came before Parliament. At this time no environmental impact assessment (EIA) had been done on the project, yet the government was pestering Parliament to approve it.

GOING TO COURT TO ENSURE PUBLIC PARTICIPATION

To pre-empt this approval we went to court, demanding that an EIA be carried out before approval. Then, as a result of the law suit, Uganda's National Environment Management Authority (NEMA) set the EIA process into motion by advertising the study, seeking written comments, and inviting presentations at a public hearing.

INFORMATION DISTRIBUTION

Once the information was obtained, the next step was to distribute it to as many people as possible. At the early stages of this campaign, the action was concentrated within the Parliament, where the Power Purchase Agreement (PPA) between AES Nile Power and the Government of Uganda had been taken for approval.

The information provided by the NGOs also found its way to the press through Parliament. Once the project had attained a high profile, it became newsworthy. Then it was possible to provide information directly to the press. The press covered proceedings of the select committee on a daily basis, and debates in Parliament whenever AES released information and data to support the project. The press would come back to NGOs to get a response, which would then be published for free.

So information distribution goes together with lobbying and publicity. Because the NGOs did not have money to pay for supplements or adverts or annulments in the media, it was important to highlight government blunders. AES Corporation made mistakes that attracted press attention that could not have been paid for. AES also took out supplements and

newspaper pull-outs highlighting its good track record and the advantages of the project. By doing so, the company kept the project in the news at all times during the last seven years. All the NGOs had to do was respond to the adverts by providing contrasting information, data, and analysis. The government and AES would again respond, keeping the cycle going.

Having become newsworthy, the project generated public debate. Radio and television talk shows still feature these debates, and newspapers still carry the issues by publishing opinions, features, and letters to the editor. Limited workshops and seminars were organized by NGOs together with specific groups, such as academicians, students, local leaders, and politicians.

KEEP THE MESSAGES FOCUSED

Although the campaign reached many people, bombarding people with lots of information is not advocacy. From the beginning, NGOs identified the key issues and focused on those only. These included, for example, the requirement that the proponents of the project strictly adhere to government policy on environment and energy.

IDENTIFYING PARTNERS AND ALLIES

The General Public: It was important to have the support—or at least the sympathy—of the general public.

The Press: The press easily takes sides, and may sometimes drastically change them. For example, the *New Vision* and the *Monitor* (Ugandan newspapers) supported the Bujagali project at the outset. Also, Capital Radio, Star Radio, Radio Sanyu, and other stations aired regular programs in support of the project. But once it was clear that the project was not as good as had been portrayed, all but the *New Vision* changed sides.

Developers and other private parties: There were other hydroelectric plant developers, namely NOPAK, who had a cheaper and more environmentally friendly design for a dam to be built at another site. The NGOs supported them and used their proposed project to discredit the AES project. Others in this category included water rafters, hotel proprietors, and tour operators who have thrived on Bujagali as a tourist site.

Government agencies: The main government agency, NEMA, was never directly attacked or discredited, not even after it had approved the environmental impact assessment for the project. It was always considered a strategic ally.

Universities: Makerere University is the main government university in Uganda. Its staff are highly respected and independent. The University provided us with valuable information and data.

International organizations: Organisations such as the International Rivers Network and the Environmental Law Alliance Worldwide kept the issues alive, especially at the World Bank and in various world capitals. With their assistance, Ugandan NGOs were able to lobby the World Bank Inspection Panel, and they obtained funding to travel out of the country to express their views on the project in donor countries.

GOING TO COURT

This can be a very effective tool in advocacy. However, it must be used with great caution. In this case it was used not to stop the project, but to force AES Nile Power to carry out an environmental impact assessment. Although the court did not grant the exact relief requested, the case was useful in that it showed the proponents of the project the determination of the NGOs to use the law. As a result, the signing of the Power Purchase Agreement was delayed until an EIA was carried out and a full public hearing held. We first submitted written comments, then attended the EIA hearing and raised several issues.

Because there has been no intention of carrying out a comprehensive EIA, the whole process was flawed. This fact, however, gave the NGOs another way to attack the project. As a result, the World Bank was forced to request a new EIA under World Bank guidelines. A fresh suit has since been filed against the government demanding that the Power Purchase Agreement be made public.

In July 2002 the judge ordered the PPA to be produced in court and copied to Greenwatch. The public will be able to know the cost of the project, what will be generated, and at what costs, and the question of the project's worth will be answered. The project was promoted as the only way to boost production and provide cheap power to Ugandans. The case is still pending in court.

In this case if the NGOs had asked a court to determine whether or not the project had complied with law, and was therefore sustainable, the matter could have been resolved in favour of the project proponents. The whole matter would have been closed.

LOBBYING

The NGOs did a lot of lobbying, especially of members of Parliament. Members of the local district council, as well as cultural leaders, were also lobbied. Lobbying was done in person, at breakfast meetings, and by telephone. In all these places we found friends and foes. Some people supported the project for reasons other than those advanced by the proponents, and some supported it for publicity. The project proponents were far better at lobbying and influencing decision-makers because they had the money and political clout.

CURRENT STATUS

At present the project has not taken off. The developer has still failed to secure funding. The World Bank Inspection Panel Report highlighted the problems of the project, which include, among other things, lack of transparency, lack of involvement by the public, lack of access to information, failure to consider alternative sources of energy, and exaggerated demand for power.

All these issues had been raised at the very beginning by NGOs. Corruption has also emerged as another issue. The World Bank has suspended its decision on the matter indefinitely but accepted the recommendations of the Inspection Panel (for example, that alternative sources of energy be explored).

essential to raising awareness of an issue and encouraging decisionmakers to address the issue. Getting the message out to the public can result in not only moral support, but also in financial support. Effective use of the media can thus aid in fundraising for an organization—either generally or for particular efforts.

6.3 ATTRACT AND HOLD THE ATTENTION OF DECISIONMAKERS

Media tools are important for their ability to attract—and hold—the attention of decisionmakers. Once public attention is focused upon particular environmental issues, decisionmakers are more likely to focus on these issues. Decisionmakers—governmental, corporate, or otherwise—typically have many diverse constituencies to satisfy. The media can steer the attention of decisionmakers to the issues of the day and highlight the importance of a specific constituency, such as a particular group of communities affected. Media tools provide another way to lobby politicians and other decisionmakers; lobbying is discussed in Chapter 4. When an advocate visits or contacts a decisionmaker, it is important to bring copies of any articles to give to the decisionmaker. Do not assume the decisionmaker has seen the article.

6.4 DEVELOP A PROTECTIVE SPOTLIGHT

An active media can also help to protect advocates and their activities from those who might wish to retaliate against them. Publicity can heighten public awareness, domestically and internationally. This in turn can discourage those who oppose an advocate's activities from threatening or harming the advocate. Widespread media coverage of an advocacy campaign usually shows who stands to lose the most from an advocate's activities. Thus, if harm comes to the advocate, suspicion falls immediately upon those responsible. As a result, those who would cause harm to advocates may be deterred by the knowledge that retaliation may in fact harm them by damaging their reputation, causing a loss of business revenues, or triggering a government investigation.

Even when the spotlight fails to protect the advocate, it can nonetheless have lasting effects. For example, after Ken Saro-Wiwa was arrested and executed in Nigeria, Shell Oil suffered consumer boycotts and bad press internationally for many months (and it still continues years later). The Shell boycott is discussed in Chapter 8. Thus while the international spotlight failed to save the advocate, it did create powerful pressures on a major company that could influence its future behavior.

Use of media tools to develop a protective spotlight is an important collateral benefit of this set of advocacy tools. See Chapter 10 for more discussion on how a protective spotlight is developed and used.

GENERAL APPROACHES TO WORKING WITH THE MEDIA

6.5 HAVE A CLEAR, CONCISE STORY

It is crucial that an advocate be able to tell his or her story in a clear, concise way. Whether the story is to be presented on the radio, in a newspaper, or by way of a newsletter, it should be straightforward and easily understood. The story should always begin with a statement of what the issue is, and it should immediately set forth the essential facts. The advocate should strive to make the reporter's task as simple as possible and should leave nothing open to interpretation. An advocate should always answer—or be prepared to answer—the journalistic questions of *who, what, when, where, why*, and

THE NEED FOR NEWS

For media tools to be effective, they must announce *news* that is important or interesting to a reporter and his or her audience.

how. For the media to have an interest in reporting on an issue, the issue must be newsworthy.

An issue presented by way of the media should be *immediate, specific, and realizable*. The issue should be communicated with a sense of urgency so that it will capture the attention of the media and the public. Remember, advocates need to convince the media that their story is compelling enough to report, even in the midst of other stories on political intrigue, murder, and economic development. The issue should also be specific in nature, not a vague statement of a general problem. Finally, the aim of the advocate in presenting the issue should be capable of being achieved.

6.6 PRESENT SOLUTIONS

An advocate should strive not only to disseminate information on problems, but also to suggest practical solutions. Whether or not the advocate articulates solutions to environmental problems, it is certain that other people—probably those who oppose the interests of the advocate—will do so. So it is important that advocates are able to propose alternatives. By becoming a credible source of information, an advocacy organization can also establish itself as a credible source of solutions.

6.7 USE THE “RULE OF THREE”

A useful rule of thumb to remember when working with the media is the so-called *rule of three*. To avoid presenting too little or too much information, it can be helpful to convey information in sets of three. An advocate might set forth three issues, three problems, three solutions, or the like. By offering more than three items on a list, the advocate may be unwittingly implying an inability to sharpen the issues and focus attention upon what is most important. Moreover, a longer list may fail to grab and hold the attention of the media or the public. In the end, however, the “rule of three” is just a common sense rule and the advocate can disregard when necessary.

6.8 CULTIVATE GOOD MEDIA RELATIONS

It is important to cultivate good relations with the media. Having credibility and open lines of communication can assist in accomplishing all of the goals of media advocacy discussed above. A good working relationship with the media can draw attention, and even sympathy, to one’s cause. Strong ties also help guarantee that media coverage can be obtained when it is sought in connection with specific issues.

TO BUILD AND MAINTAIN GOOD MEDIA RELATIONSHIPS,
THE ADVOCATE CAN . . .

- *Arrange an individual meeting or lunch* to introduce oneself and to provide background information about the advocate’s activities and issues of concern
- *Distribute business cards* to all media contacts so they know where and how to reach the advocate
- *Establish a pattern* for continuous and regular contact (through meetings or lunches)
- *Invite reporters and other media representatives* into the advocate’s community and to activities and events sponsored by the advocate’s organization
- *Arrange meetings with editorial boards* to help familiarize them with the activities and issues related to the advocate’s work
- *Provide frequent updates* on the advocate’s activities

To begin, it may be helpful to make a list of the different kinds of media resources in the advocate’s geographical area. A media list might, for example, contain the names of newspapers (including community and college newspapers), magazines, television news and talk shows, radio news and talk shows, websites, education and business publications, and newsletters. Any media outlet should be considered. In addition, the list should contain the names, addresses, and telephone numbers of individual contacts at each media outlet. The media list should be accurate and kept as current as possible. Once the list is prepared, these individuals may be contacted in any number of ways, such as by personal visits, telephone calls, letters, faxes, and e-mails.

Having identified contacts, the advocate should, if possible, build positive relationships before beginning to suggest stories for coverage. As with any working relationship, it is important to establish trust and rapport. Getting to know the individual person behind the professional role will help the advocate to be at ease when dealing with the person on matters concerning news coverage. The Box above lists some of the things that the advocate can do to build and maintain strong working relationships with media contacts.

Having the groundwork of a relationship in place before the media is needed can help to ensure that the media will be ready to work with the advocate when the time comes. It can also help the advocate to obtain more comprehensive coverage of an issue. For example, a journalist educated on the issues may decide to report on the advocate or the advocate’s cause in a long feature story rather than to simply mention the issues in a brief news article.

6.9 LINK THE CAUSE WITH OTHER MAJOR DEVELOPMENTS AND EVENTS

At any given moment, most media outlets—even small, local ones—are covering or preparing to cover a broad array of issues and stories. Because of limited media resources, larger issues may crowd out coverage of smaller issues. To make an issue more appealing to the media, advocates should consider whether to shape their issue or issues so that they link to a major development or event that is already assured of media coverage (for example, a local or national election, Earth Day, or the World Summit on Sustainable Development).

The link might take any form. Are the issues themselves similar? Are the key players similar? Is the timing similar? This linking technique is a way to demonstrate the newsworthiness of one’s issue by tying it to the established newsworthiness of some other issue. With creative thinking and an eye for current events, the advocate may be able to find an angle that will convince the media that the advocate’s story is worth covering.

6.10 SEEK CELEBRITY SPONSORSHIP

Finding a celebrity (such as a movie star, a famous athlete, or a political official) to take up one’s cause and promote it through the media can also help to focus the attention of the public and decisionmakers. It can also be an invaluable fundraising tool. In the United States, for example, actor Paul Newman is promoting a campaign by The Nature Conservancy to invest \$1 billion in saving 200 of the world’s “last great places.” Celebrity support may be difficult to obtain, but it should be kept in mind as a possibility.

6.11 USE THE INTERNATIONAL MEDIA

Local and regional media often provide the best mechanisms for advocates to begin

publicizing their issues. However, in the modern, interconnected world, a story can be picked up by an international media outlet such as the Cable News Network (CNN), the British Broadcasting Company (BBC), or the Associated Press (AP) and suddenly appear in newspapers or on televisions around the world. Drawing international attention can enhance all other media efforts undertaken by environmental advocates.

National capital cities, such as Nairobi, tend to have reporters and “stringers” (people who submit news articles) working with many of the major international media. Relationships with these people may be cultivated, just as with other reporters. Also, an advocate’s international partners (such as NGOs in other countries) may have already established relationships with these media resources.

6.12 THE DOWNSIDE OF WORKING WITH THE MEDIA

Despite the many advantages of working with the media, the reality is that not every contact with reporters and journalists will be positive or advance the advocate’s goals. Even when representatives of the media agree to interview an advocate, for example, their editors may decide not to run the story. Also, not every reporter will agree with the advocate’s point of view on a problem or issue. Some editorial boards of newspapers may actually take a stance against the advocate. And sometimes facts are incorrectly reported in the press.

Worse yet, the system does not always work fairly. Some African advocates have met with reporters only to be told that payment is required to cover a story or make sure that the story appears. In other instances, reporters or their newspapers (or other outlets) may be afraid to cover an issue because of the possibility of backlash from powerful interests.

Although the advocate is likely to have some discouraging experiences in dealing with the media, most countries have many reporters working for many different media outlets. This means there will be multiple opportunities for seeking positive coverage.

TYPES OF MEDIA TOOLS

6.13 PRESS RELEASES

A press release is an announcement to the press of a newsworthy event or activity. A press release can be used for many different purposes: to publicize the achievements of a community group; to announce an upcoming activity or event; to provide background information for an event; or to publicize an issue or a story. The press release should be timed to ensure the greatest level of interest possible from the press. If a release is designed to address breaking news, it must be disseminated quickly to be timely.

A good press release follows well-defined guidelines. It should generally be one page in length, and not more than two pages. The beginning of the press release should be catchy and compelling. The lead paragraph (although not necessarily the first sentence) should clearly state what the press release is about. The release should be written in plain language, and the paragraphs should be short. Technical jargon should be avoided. Also, it is good practice to include several statements from a key individual, such as the president of an advocacy organization or a community leader, who reporters can quote in their news story. The headline for the press release should contain a verb and suggest an action.

If possible, a press release should appear on the letterhead for an organization. The document should also begin with a date and time for release of the story. The release

must contain the name, address, telephone number, and e-mail address (if available) for a point of contact, so that the media can follow up and obtain more information about the news covered in the release.

A completed press release can be hand-delivered or sent by mail, fax, e-mail, or messenger to a local television station, a newspaper assignment desk, an assignment editor, or any other media representative. If the goal is to have the press attend an event, an invitation should accompany the press release. Any opportunity for photographs should be noted. The advocate might also follow up with press contacts to confirm that the press release, and any invitation that it may contain, has been received.

A press release can also be sent to non-media sources such as NGOs, funders, or organization members, as a means of disseminating information and demonstrating that the advocate is actively engaged in important work.

6.14 PRESS CONFERENCES

A press conference usually consists of a public statement to the press, followed by an opportunity for press representatives to ask questions. The statement is usually delivered orally, with a written copy available to reporters (one does not necessarily have to *read* it word for word). News items bearing on health or environmental issues of concern to the advocate can be addressed by way of a press conference. Environmental advocates can select a location for a press conference that helps to illustrate and dramatize the relevant issue, such as a village threatened by development activities, a polluted river, or urban smog. The use of banners, charts, or other visual aids can add interest to the presentation and make a stronger impression on media representatives in attendance.

Upon deciding to hold a press conference, advocates can hand-deliver the invitations or send them by mail, fax, e-mail, or messenger to local media outlets such as newspapers, television stations, or radio stations—in much the same manner as distributing a press release. A press invitation should be brief, accurate, and to the point. If there will be an opportunity for the press to take photographs, the invitation should make this clear. The advocate should remember to follow up on an invitation with a visit or a telephone call to media representatives to confirm receipt of the invitation and ask about their likelihood of attending.

Good timing is an important aspect of press releases and press conferences. One should be aware, for example, of the deadlines for key newspapers. As a tactical matter, an advocate should also time a press release or press conference for when the issue will best grab the attention of the media and will likely have the most impact.

6.15 PUBLIC SERVICE ANNOUNCEMENTS

Public service announcements, or PSAs, are simple but important tools in the advocate's media toolkit. A PSA might be used, for example, to communicate the benefits of environmental conservation to communities. A PSA can also be used to give the community notice of upcoming events, such as workshops or training sessions. Broadcast and print media often provide free time or space for community or citizen PSAs. (Some newspapers also provide free space for the listing of community events or other public interest news.)

The first step to having a message appear as a PSA is to contact the television and radio stations serving the area and ask about the requirements for acceptable content, format, and length for PSAs. It is always helpful to explain why the project or message is important to the community, as well as to the station's audience.

Usually, broadcast media offer one of two approaches. A station may request that

the advocate write the announcement to be read on the air. Alternatively, a radio or television station may provide the advocate's organization with studio time to produce a PSA. In either case, the message should be clear, concise, conversational, and correct, and the PSA should include the necessary contact information. Text or "copy" for broadcast is written exactly as it will be heard by listeners.

It is important to realize the limitations of the PSA. Although they are free, PSAs are usually not aired in "prime time," and the messages or issues aired at the available time may not always reach the intended audiences.

6.16 RADIO AND TELEVISION "TALK" OR "CHAT" SHOWS

Advocates should also remain aware of the possibility of appearing on a "talk" or "chat" show on television or radio stations. Government officials and politicians often tune in to these shows to assess public opinion, so they provide an excellent—and free—way to convey the advocate's message to an important audience.

6.17 COMMUNITY RADIO

Community radio is yet another way that advocates can get the word out at the local level. Over 500 community radio stations currently operate around Africa. Public radio is generally supported by its listeners (and by donor organizations) rather than by commercial enterprises or the government. Radio can be a powerful tool for reaching people in rural places, and is particularly valuable as a way of communicating with community members who cannot read or write. Advocates should determine whether community radio stations operate in their geographical area and contact these stations about opportunities for sharing their views on the air.

6.18 PAID MEDIA

Although it can be expensive, use of the paid media to disseminate information can supplement other advocacy approaches. The most obvious use of the paid media is through advertising. Another possible use is through the development of radio and television programs. These opportunities are considered below.

It should also be noted that if the advocate has taken a particularly controversial position, the media may refuse to run the message. If this happens, the advocate may wish to contact different newspapers or networks to find a media outlet that will run the message. The advocate might also turn to the international media. Other options, mentioned earlier, include more direct dissemination of information by way of flyers, web postings, and the like.

Advertisements

Advertisements can be placed in newspapers or magazines, or they can be aired on local radio or television stations. The costs for paid advertising typically include the expense of developing the advertisement and the cost of newspaper space or air time to carry the message. Advertisements must be designed and presented in a manner that is easily understandable and memorable. Advertising can be expensive, so sources of funding for advertising should be considered well in advance of the time when an advertisement must be placed.

Developing Radio and Television Programs

Under some circumstances, environmental advocates may find it helpful to prepare

radio or television programs to educate the public on issues of importance. Greenpeace, an international environmental NGO, has used this tool to raise awareness about and seek donations for a campaign to halt illegal whaling around the world, particularly by Japan. Once a program has been developed, a PSA time slot can be used to present the program. A program can also be presented as a paid advertisement, or through some other form of sponsorship.

There are many approaches to creating a television or radio program. For example, an advocate might develop a guest speaker series in which various experts are invited to speak on an issue of public concern. Additionally, students studying communications and audio-visual technology may provide a source of inexpensive labor. A public radio station is a good place to inquire about getting guest speakers or a talk show on the air. Video technology is also widely available now, and taping short segments on environmental issues may not be too expensive. Videotapes can be sent to a television station for airing as a paid advertisement, a public service announcement, or a sponsored program.

6.19 INVITING THE MEDIA TO WORKSHOPS AND EVENTS

A simple but useful media tool is to invite the media to cover an organizational workshop or event. An advocacy organization can invite media representatives to cover planned activities, or it can even organize activities specifically for the benefit of the media. In many cases, it may be best to blend the two approaches by holding necessary organizational activities, but designing and shaping these activities so that they are newsworthy and will appeal to reporters. Event planners should always consider how an event might be characterized as newsworthy. Also, presenters, venue, and other details of an event should be analyzed for their media appeal, including their suitability for photographers and news cameras.

Media attendance at local events can help to build awareness of and sympathy for the activities of an organization both in the media and among the public. Even if a reporter in attendance chooses not to report on the event, the organization may still have succeeded in clarifying its role and strengthening its credibility with that reporter. Inviting media representatives to events and addressing their questions and concerns also helps to cultivate important personal relationships with reporters.

OTHER RESOURCES

Chesapeake Bay Foundation, *Building Blocks for Emerging Environmental Non-Profit Organizations: Lessons from the Chesapeake Bay Foundation* (1999). This report describes the growth of a small, grass-roots organization into a large and sophisticated organization that has become well known in the United States and around the world. The report describes the lessons learned along the way. It is available on the Internet at <http://www.cbf.org/resources/pubs/index.htm>. The mailing address for CBF is Philip Merrill Environmental Center, 6 Herndon Avenue, Annapolis, MD 21403, USA.

World Association of Community Radio Broadcasters (AMARC). AMARC is an international NGO that supports and serves community radio broadcasters in Africa and around the world. AMARC is on the Internet at <http://www.amarc.org/>. The mailing address for AMARC's regional office for Africa is 23 Dorissen Street, Braamfontein Centre, 6th floor, 2017, South Africa.

CHAPTER 7

PROTECTING LEGAL RIGHTS: TOOLS FOR COURT ACTION

One of the most important and well known tools in the advocacy toolkit is the lawsuit. This Chapter provides an overview of some of the strategic consideration common to all forms of legal action, then briefly discusses several of the legal tools.

OVERVIEW

When an individual, a private business or corporation, a government official, or anyone else has violated the law, or is about to do so, the people who may be harmed from the violation sometimes have a remedy under the law. The person who has been harmed (or is about to suffer harm) can file a lawsuit to have a judge on a court of law decide the matter.

Typically, two types of remedy, or relief, are available in a lawsuit: monetary damages and injunctive relief. *Monetary damages* are awarded to compensate someone for the harm that he or she has suffered. This relief takes the form of a cash payment from the wrongdoer. *Injunctive relief* results from a court order requiring the offending party either to do something (for example, to provide requested documents) or not to do something (for example, to stop further illegal logging). This order is called an *injunction*. Enforcing one's legal rights in a court of law is a powerful—as well as costly and time-consuming—advocacy tool.

CAUTION!

It is essential to seek legal advice before attempting to bring any court action.

STRATEGIC ISSUES RELATING TO LAWSUITS

7.1 WHEN SHOULD THE ADVOCATE GO TO COURT?

The environmental advocate should begin a legal action, or join an existing legal action, only after careful consideration and a neutral weighing of the potential costs and benefits of such action. Because filing a lawsuit can be expensive, prolonged, and unpredictable, many lawyers caution that filing a lawsuit should be an *action of last resort*. Prior to going to court, the advocate should seek relief through all other available methods. Depending on the circumstances, these might include negotiation with the opposing side, direct communication with the relevant government decisionmakers, participation in any available government processes, and mounting a media campaign. When other alternatives are unavailable or have failed to resolve the problem, court action may be appropriate.

In rare instances, however, it may necessary to pursue court action immediately. This is particularly true when an ongoing or impending action is likely to result in long-term

harm of some kind that cannot be compensated through monetary damages or in any other way. In such instances, a court may be willing to act quickly to grant a preliminary injunction to maintain the status quo while the matter proceeds through the judicial process.

Case Study #8, on pages 76-77, explores how court action was used on very short notice in Kenya to fight a government decision to remove protection from forests.

7.2 HOW DOES COURT ACTION RELATE TO OTHER ADVOCACY TOOLS?

Although court action is a crucial advocacy tool, it is but one of many tools, and the thoughtful advocate will use court action—and the credible threat of court action—to complement other tools. Often, the mere possibility of legal action adds weight to other approaches.

FILING SUIT

In this Chapter, the following terms all refer to the same thing: going before a court of law to ask a judge to decide one's legal rights and enforce those rights by giving a remedy, or some form of relief.

- Bringing or filing a lawsuit
- Bringing or filing a court case
- Bringing or filing a legal action
- Litigation
- Suing

For example, in negotiating with a company whose activities are polluting a community's land or water, or threatening ancestral resources, the advocate could make clear to the company that court action is a possible alternative that will be considered. This tactic can increase the likelihood of an informal resolution of the problem, but it should be used carefully. If the company does not believe it is doing anything wrong, it may take offense to the threat. Also, advocates should not mention the possibility of a lawsuit unless they are willing and able to go forward with one. In relying upon the use of court action as a negotiating tool, it will be

important to describe both the law being violated and the facts that result in the violation. Unsupported threats of a lawsuit are unlikely to sway a sophisticated opponent and, moreover, can result in damage to one's credibility.

Just as the use of other advocacy tools can be enhanced by the court action tool, the court action tool can be strengthened through the use of other advocacy tools. When gathering information, for example, the environmental advocate should strive to collect information and data of sufficient quality and credibility to be used as evidence in a lawsuit. An effort should also be made to obtain information on the position and resources of potential opposing parties. This information can be important in making the final determination whether to bring a lawsuit, and, if so, how the lawsuit should be undertaken.

In sum, an environmental advocate should view court action not as the necessary culmination of all advocacy efforts, but instead as a tool to be used carefully and together with other tools in the advocacy toolkit.

7.3 WHAT COULD HAPPEN IF THE ADVOCATE WINS? LOSES?

An advocate should assess all of the likely consequences of both winning and losing a lawsuit before beginning it. A winning lawsuit, for example, may result in less—or different—monetary or injunctive relief than the advocate sought. Thus, it is important to consider how important a victory might be for the advocate in terms of establishing a *precedent* (a principle to be followed by courts in the future), building organizational

credibility or fundraising capacity, or in other ways.

It is also important to consider the damage to relationships with other parties that can result from even a victorious lawsuit, as well as the financial and physical threats that may result. Winning a legal battle can result in losing a larger war if the non-legal harms of victory are too great.

On the other hand, an environmental advocate may rationally decide to pursue a lawsuit that is likely to end in a loss. Even a losing effort can establish the advocate's willingness to fight, which in turn builds credibility for future negotiations. Additionally, information generated from a losing effort may bring out facts about the opposing party or parties that can assist the advocate on the public relations front. More generally, media coverage of the issues raised in a lawsuit can help to raise public awareness. In many nations, however, the losing party may be liable for the attorney's fees of the other side. These fees can be quite substantial, especially when opposing parties have hired expensive attorneys.

The relative importance of these considerations can, and likely will, change during the course of a lawsuit. Advocates should continually weigh strategic considerations throughout the process.

7.4 ARE THE LAW AND THE FACTS HEAVILY IN THE ADVOCATE'S FAVOR?

It is, of course, essential that the environmental advocate be thoroughly familiar with the facts of the case. Additionally, these facts should largely favor the advocate's position before court action is considered. Pursuing a legal action is expensive and difficult, and common sense dictates going forward only when the facts are likely to support victory in the case. There are at least two reasons for this:

- Judges may be reluctant to challenge the government or industries that contribute to the economic well being of a community or nation. In these cases, it may be necessary to "shock the conscience" of the judge so that he or she is compelled to rule in the advocate's favor.
- If the advocate loses, the advocate may have to pay for court costs, including an opponent's attorneys' fees. As these can be substantial, it makes sense for an advocate to pursue only cases that are likely to succeed.

The advocate will probably need to use one or more tools for obtaining information, as discussed in Chapter 2, to determine how strong the facts are. Strong supporting facts, as well as a familiarity with those facts, can help advocates reach agreement with the opposing side without having to go to court.

It is also important that there be a legal basis for the lawsuit. An attorney must almost always be consulted to help determine whether the law supports the case. Even if the facts are very strong, there may be no legal remedy for certain issues. Bringing legal action without a sound legal basis may result in fines or penalties against the person bringing the case in some countries.

7.5 DOES THE ADVOCATE KNOW THE OPPONENT'S FACTS AND ARGUMENTS THOROUGHLY?

A good lawyer will always be as familiar with the facts and legal arguments supporting the position of the opposing side as with those supporting his or her own position. The advocate, too, should try to know his or her opponent's view of the case. As noted above, information-gathering tools can be crucial in learning about the opposing side. In some instances, an advocate may learn that while his or her cause is a sympathetic one and

CASE STUDY #8

KENYA: GOING TO COURT TO PROTECT THE FORESTS

Excerpts from a Case Study by Nixon Sifuna
Public Interest Environmental and Human Rights Lawyer
Lecturer at Moi University, Eldoret (Kenya)

BACKGROUND

On 16 February 2001, Kenya's Environment Minister published legal notices of the government's intention to degazette and remove from protection over 167,000 acres of forests, comprising thirteen forest reserves around the country. This is equivalent to 10% of Kenya's total remaining forest cover.

Twenty-eight days after the notices were issued, these forests would be cleared and the land allocated to private individuals. This would have been an ecological disaster, given that Kenya's forest cover is estimated to be only between 2% and 3% of the total land area of over 580,000 square kilometers. By international standards, such a scanty forest cover means that Kenya's environment can be classified as "critical." Some of the forests targeted for excision were natural forests rich in biological diversity, with habitats for some of the rare and endangered species of flora and fauna deserving utmost protection.

The degazettment notices violated the new Environmental Management and Coordination Act of 1999 (EMCA), which is the primary environmental protection law in Kenya. The Act requires that an environmental impact assessment (EIA) be carried out before undertaking a major change in land use or the clearing of forests. None was ever carried out.

The notices were received with public outrage all over the country. In response, the Minister for Lands announced that the government's decision was final and that the excisions were meant to settle the landless. The Greenbelt Movement and the Kenya Forests Working Group (KFWG), within these twenty-eight days, designed petition forms on which they collected thousands of signatures. The petition and the signatures were presented to the environment minister by Professor Wangari Maathai, one of Kenya's environmentalists. The petition stated that those whose signatures appeared on it were opposed to the excision. The petition was ignored.

Since the excisions were not in Kenya's best environmental interest, there was need for people to express their disapproval. It was important for us as environmental advocates to use all the available advocacy tools and strategies to reverse the government's decision.

GOAL OF ADVOCACY

Our goal was to stop the planned excisions by any appropriate means available. There were many tools for achieving this goal. These included lobbying, protests, demonstrations, mass media action, and litigation.

FORMING ALLIANCES

At the local level, I mobilized a group of activists within Eldoret town and its environs. We called a press conference at which we launched our campaign to counter the proposed excisions. Our slogan was "Operation Save Our Forests." Surprisingly, the government in demolishing illegal settlements in the forests later adopted this slogan.

Our group comprised lobbyists from a local human rights organization, political activists, youth groups, and local churches. Since some of the targeted forests were in the region, it was easy to mobilize people.

The group carried out an extensive public campaign through posters, press releases, public meetings, and demonstrations. We also undertook research on forest issues. We consulted materials in the local public library, the Moi University library. We also contacted experts at the Moi University Department of Forestry, the Forest Action Network, the Kenya Forests Working Group, United Nations Environment Programme, and individual retired government foresters. Since we did not have a forest expert in the group, this research was important to enable us to effectively counter any lopsided arguments and data that the government raised in support of the excisions.

At the national level we contacted some respected environmentalists and scholars around the country who we had known before. We reached them through telephone, fax, e-mail, and personal visits. Some responded, and others did not, but the majority did and were very supportive.

At the international level, we sent e-mails to some reputable environmental groups and individuals. These included the Environmental Law Institute, International Union for Conservation of Nature, World Wildlife Fund, and E-LAW (Environmental Law Alliance Worldwide), among others. This was one of the reasons why we had enormous moral support for the case internationally. E-LAW, for instance, is a network of environmental lawyers around the world. I later became a member.

THE PROCESS OF DECIDING TO GO TO COURT

Time was of the essence, as the Minister had not revoked the controversial notices. It was unlikely that the government would reverse the decision. Other groups were protesting, collecting signatures of objectors, petitioning the Minister, or issuing press releases. These other tools of advocacy had not been effective. My group decided that the best strategy was to go to court and challenge the proposed excisions.

Being the only lawyer in the group, I offered free legal representation and identified two local people in whose names I would file the case. When I had prepared all the

papers and was ready to file them in court in their names, these persons withdrew from the case. I later learned that they had been offered five acres of land each in the forests to be excised.

We were in a dilemma, and there were only two days before the notices expired. But being committed to the cause I suggested, and the group agreed, that I file the case in my name. This was to minimize the chance of manipulation, since we could now not trust just anybody on this crucial issue.

Two days to the expiry of the notices, I filed a case challenging the proposed excisions. This was Miscellaneous Civil Application No. 38 of 2001 Republic Vs Minister for Environment & 2 Others (Ex Parte Nixon Sifuna) in the High Court of Kenya at Eldoret. The court granted an order temporarily suspending the excision until the hearing and final determination of the case.

The proceedings were historic. For instance, it must have been the first time in Kenya's history for a High Court judge to hold a public, open-air session, outside the courtroom. The proceedings were attended by many members of the public. The Judge noted that the decision to go to open air was because of the level of public interest the case had generated and the number of groups who wanted to be joined in the case, and that all had to be given a chance to listen to the arguments.

MY EXPERIENCE IN THIS COURT BATTLE

Intimidation: After filing the case I was subjected to constant intimidation and harassment by state agents and even civilians aligned with politicians. The government also through propaganda sponsored some groups to join the case in support of excisions, arguing that they were landless and needed land. I also received several death threats from some people I knew and from strangers, some to my face, others by telephone. It was easy for one to get my telephone number because it is the Public Telephone Directory and on my official letterheads.

Apart from these phone threats, my office telephone was bugged. Strangers and unmarked vehicles started trailing me in the evenings while I drove home.

My car was broken into and my cell phone stolen by people I believe to be state security agents, which was a big blow because I had stored on it very important contacts. I reported to the police, who promised to investigate but never did.

Two days after winning the first round of the case, the police stormed my office and arrested me without good cause. I spent a day in police cells. Upon arrest I instructed a friend of mine in our lobby group to send an alert. He contacted E-LAW (US), who immediately sent out an international alert to which many people around the world responded angrily with protests to government officials.

My friend also informed the local human rights and environmental activists. These fiery activists the following day stormed the station where I was being held and demanded to be told why. A bitter exchange and commotion took place between the police and the activists. I was later released without any charges being filed, after serious consultations between the officer in charge of the station and his bosses in the light of this pressure.

Costs: The state had an economic advantage over me in this case. Notably, in Kenya the government is by law exempted from paying court fees. This poses a great challenge to public interest suits as the state will always contest even the most obvious of cases, because it incurs no expense in the litigation process.

Court fees in Kenya are also very high for an ordinary citizen.

Although expensive, the case was not funded by any individual or organization, not even the NGOs that support environmental conservation. As a result, I relied on my own finances. The "Forest Case" was a familiar item on my house-budget every month end. I actually did not have enough financial resources for a case of this magnitude. As a result most of the basic services in my modest law firm, such as telephone and fax, ceased due to high bills incurred on this case.

Court procedure: Court procedures are often too laborious and intricate for people without legal training. This is a major obstacle for non-lawyers who have, for one reason or another, to represent themselves. These make legal expertise necessary, yet lawyers' fees are so high that the majority of citizens cannot afford them.

Without explanation, the government decided to transfer the judge before she could deliver her judgement and another judge later read the judgement. The new judge in a record ten seconds dismissed the case and ordered me to pay the costs of the government in the case.

Advantages of going to court: While the case was pending, the excisions were delayed for eight months. Bringing suit was likely the only way to achieve this result.

Also, if the case had been successful, the court could have issued an order that the government would obey. Failure to obey a court order amounts to contempt of court, which is punishable by imprisonment.

A litigant has protection of the court in his pursuit of his case. In the course of trial I complained and went on record about harassment.

RESULTS AND CURRENT STATUS

The case was finally dismissed on a technicality after being in court for eight months. Litigation as a tool worked, because there was an order of "injunction" during all the time of the case that prevented the government from moving forward with the excisions.

Three more cases were filed later by other groups against the government to stop the excisions. One in respect of one of the forests, and the other two in respect of all the forests. These cases are still pending before the High Court for hearing and determination. In some of them, temporary orders against the government have been issued.

LESSONS LEARNED

Litigation is a powerful tool of environmental advocacy. But it is also very expensive and time-consuming. It should therefore be used as a last resort, when all other tools fail.

that the facts are favorable, the law favors the advocate's opponent. Knowing the law and facts on which an opponent might rely will help save time, money, and the embarrassment that can result from a failed lawsuit. Familiarity with the opponent's facts and arguments can also reveal the areas of weaknesses in one's own case that require sharpening and strengthening. Most lawyers prefer to learn about and address the legal and factual shortcomings in their case at the earliest stages rather than to allow an opponent to point out these weaknesses in court.

7.6 HOW DOES ONE FIND AN ATTORNEY?

The quality of one's lawyer can mean the difference between success and failure regardless of the strength of the law or the facts supporting a case. Often the best way to find a good attorney is through word of mouth—that is, by consulting with environmental organizations, community leaders, and anyone else who may have had an attorney represent them under circumstances similar to the advocate's.

Advocates may need to look for a lawyer who will represent the advocate's interests for free, or for actual expenses. Many lawyers will donate their time or provide a significantly reduced rate to clients with a worthy cause who would otherwise be unable to afford services. Also, there are public interest law firms that specialize in bringing cases in the public interest on behalf of people who cannot pay for legal services. Advocates

should do research and network with allies to explore any such options in their country or area. Free, or *pro bono*, representation is the surest means of keeping legal costs down.

In addition to the potential cost of legal services, important qualifications to consider in choosing an attorney include the attorney's level of experience (years of practice as well as experience dealing with issues and law like those in the advocate's case), interpersonal skills, and availability.

TYPICAL EXPENSES INCURRED IN BRINGING A LEGAL ACTION

- Lawyers' fees (investigation, fact finding, etc.)
- Court costs
- Witness and expert fees (including travel, lodging, etc.)
- Communications costs (telephone, staffing, Internet, photocopying, etc.)

7.7 HOW WILL THE ADVOCATE FUND IT? WHAT RESOURCES CAN THE OTHER SIDE BRING TO BEAR?

In every country, legal action, or bringing suit, is expensive. The high cost of legal action can be particularly devastating for rural communities with limited resources. The accompanying box lists some of the types of expenses to be expected in bringing a legal action. In some countries, such as Kenya, the law sets the minimum fees a lawyer can be paid for different types of cases. Even this amount can be high. As discussed above, a losing party may have to bear the cost of lawyers' fees for the winning party.

Communities can be creative in their efforts to fund important environmental cases. A community might, for example, establish a litigation fund, or a general fund that pays for all costs of bringing suit. The fund could be supported by member dues and donations. Fundraising also provides a possible means of securing money to meet legal expenses.

TYPES OF LEGAL ACTION

Environmental lawsuits can be filed by an individual citizen, or by a group of citizens, against private parties (such as an individual or a corporation) or government entities (such as officials and government agencies). The party that brings a lawsuit is called a *plaintiff*. The party defending against the lawsuit is called a *defendant*. A plaintiff usually must claim that the defendant's action, or failure to act, has resulted in harm to the plaintiff. This gives the plaintiff *standing* to sue—in other words, it means that the plaintiff can come before the court. However, some laws, like Kenya's Environmental Management and Coordination Act, allow people to take action on behalf of the environment.

Following is a short description of how lawsuits can be brought against either private parties or government entities to protect a community's environmental rights.

7.8 SUITS AGAINST PRIVATE PARTIES

An individual or an organization can sue a private party to protect rights or interests that the private party is harming or threatening to harm. Suits against private parties are usually filed to recover compensation for damage to property or health, to protect property or health, or to enforce existing laws and regulations. Civil lawsuits brought by citizens (especially in the United States) to enforce environmental laws are often referred to as *citizen suits*. Lawsuits brought by citizens help to supplement limited governmental resources. Additionally, citizens are often willing to take action against an offending individual or corporation in circumstances where the government might be politically constrained or otherwise unwilling to act.

A citizen can bring suit to enforce rights from various sources, such as the national constitution, national legislation, or a government agency's regulations. Constitutional rights might include the right to life, the right to a healthy environment, or the right of access to information. Under the legal systems of some countries, rights can also be based on the body of judge-made laws and principles known as the *common law*. Countries have different types of legal systems and different laws, so the rights that people have and may seek to enforce through courts differs from one country to the next.

In cases against private parties, plaintiffs can generally seek both monetary damages and injunctive relief (as discussed above). For example, in suits brought under the common law for damage to property, the relief sought is usually monetary compensation.

7.9 SUITS AGAINST GOVERNMENT OFFICIALS AND AGENCIES

In some instances, individual citizens and groups can file suits against government officials and agencies for the protection of property, health, and the environment. Traditionally, governments are immune from suit. When such laws exist, however, cases against the government usually seek to compel the government to carry out existing laws, or otherwise to follow the law. Suits against government entities are generally based on constitutional or statutory provisions. It is more difficult to sue the government under common law principles. Generally, lawsuits cannot be used to compel the government to take an action that it has the option of carrying out or not (for example, deciding whether to prosecute someone).

Suits against the government may also be used to compel the government to do—or stop doing—something. The Kenyan case of *Abdikadir Sheikh Hassan v. Kenya Wildlife Services* illustrates this point. In that case, a member of a community living close to an area populated by hirola antelopes applied to the High Court, seeking to stop the Kenya

Wildlife Service (KWS) from moving the endangered hirola antelopes from their natural habitat to Tsavo National Park, despite the KWS's authority to protect the animals. The Court ruled that the KWS would be acting outside its authority if it were to move any animals or plants away from their natural habitat without the express consent of those entitled to the fruits of the earth on which the animals lived.

In *Joseph D. Kessey v. Dar es Salaam City Council*, Tanzanian citizens relied on their constitution to protect their health from environmental pollution. In that case, plaintiffs filed suit against the City Council of Dar es Salaam to stop the Council from allowing garbage to be dumped in the suburb of Tabata. The garbage dump emitted foul smells and created severe air pollution, which caused respiratory problems in area residents, particularly children, pregnant women, and the elderly. The court ruled in favor of the Tabata citizens, ordering the Council to cease using the Tabata area for dumping garbage and to construct a dumping ground where garbage would pose no threat to the health of nearby residents.

Lawsuits also can compel the government to adopt regulations that are required by law. In many cases, laws are passed that require creation of specific rules and regulations for the goals of the law to be carried out, or *implemented*. Where a government official or agency responsible for implementing such laws delays taking steps to do so, a court action may be brought to compel action. It is unusual for parties to recover monetary awards in these circumstances, unless it can be shown that some harm or loss was suffered by an individual as a result of government action or failure to act.

7.10 OTHER TYPES OF COURT ACTION: *AMICUS* BRIEFS AND *EX REL.* ACTIONS

Two other ways that a community can make its voice heard on an environmental issue in a court of law are by submitting an *amicus* brief and by bringing an *ex rel.* action.

An *amicus curiae*—or “friend of the court”—brief is filed in an existing lawsuit by someone who is not a party to the lawsuit but wants his or her views to be heard and believes that they will help the court to decide the case. Although the non-party usually takes one side or the other in the case, an *amicus* brief often presents a new point of view or analysis that the court might not otherwise consider. From the perspective of the environmental advocate, the *amicus* brief is a method for educating the court thereby helping to persuade the court to find in favor of the party on the advocate's side of the dispute. Also, if the case is being covered by the media, filing an *amicus* brief may help to raise public awareness of the issues addressed by the brief. Although *amicus* briefs are often used when a case is on appeal, they can also be submitted at the trial court level, and even in international tribunals.

In the case of *Awas Tingni Mayagna (Sumo) Indigenous Community v. The Republic of Nicaragua*, indigenous communities sued the government of Nicaragua to protect their rights in relation to forests that served as their home and provided medicinal plants and food. The government had intended to allocate the forests to lumber companies for logging. The Center for Human Rights and Environment (CEDHA) and the Center for International Environmental Law (CIEL) filed *amicus* briefs in support of the rights of indigenous communities, seeking the court's protection of their rights.

An *ex relatione*, or *ex rel.* suit, is brought by the government through a government official, usually the Attorney General, at the request of a private party. The Attorney General brings a suit in the name of the private party with an interest in the matter. Suits of this kind are used when the affected people may not qualify to bring suit themselves. This is usually the case where a problem affects a large segment of the population. The filing of *ex rel.* suits allows the courts to address matters concerning citizens that would otherwise remain unheard.

OTHER RESOURCES

Links to African legal resources and other international environmental resources can be found at www.eli.org/africa, www.elaw.org/resources/regional.asp?region=Africa, www.wcl.american.edu/environment/iel, www.ecolex.org, and www.unep.org/padalia/publications/publication.html.

A manual for non-lawyers on bringing lawsuits in the United States to address illegal activities that occurred outside of the United States is at <http://www.earthrights.org/legalmanual/litigation.html>.

CHAPTER 8

BOYCOTTS AND STRIKES: TOOLS FOR ECONOMIC ADVOCACY

The use of economic advocacy tools is based on the idea that people tend to act to protect their financial interests. By refusing to do business with certain people, a company, or even a government, an advocate and his or her allies can sometimes persuade decisionmakers that their financial interest will best be served by incorporating the advocate's point of view on an issue. Economic advocacy can create great risks for the advocate, however, because people who believe that their financial well-being is threatened may choose to retaliate rather than give in to demands. This Chapter describes the use of economic advocacy tools and describes their potential benefits—and dangers.

OVERVIEW

The primary tools of economic advocacy are the *boycott* and the *strike*. A boycott is a refusal by many people to buy, sell, or use a product, or otherwise deal with certain people, a company, or a government. A *strike* is a refusal, usually by a group of people, to continue working. These tools are methods of “economic non-cooperation.” A person who participates in a boycott or a strike is expressing an unwillingness to support or even cooperate with the economic interests of corporate or governmental decisionmakers. When used effectively, the tools of economic advocacy can persuade the people, corporations, and other actors whose financial interests are affected to change their policies or otherwise take the action that the advocate seeks. *These tools can also be risky and even dangerous for the people using them.*

8.1 THE BENEFITS OF BOYCOTTING AND STRIKING

Boycotts and strikes can persuade decisionmakers in a number of ways. Most importantly, these tools generate direct economic pressure on decisionmakers. Faced with lost sales or a slowdown in production, a company may decide to consider the advocate's demands. But boycotts and strikes can also influence decisionmakers indirectly. First, these activities tend to generate a great deal of media attention and negative publicity for the target of the activity. As a result, decisionmakers may choose to act quickly to end the boycott or strike and avoid long-term harm to their reputation or credibility. Second, boycotts and strikes supported by many people make clear to decisionmakers that a large number of potential customers (or taxpayers) are unhappy with the direction that the company or government is taking. This fact may attract the attention of people inside the company or government who had been unaware of the true level of public concern.

As a result of the media attention that generally surrounds boycotts and strikes, the advocate who organizes these activities may be able to attract new support, or at least sympathy, from the media and general public for the advocate's issue. Gaining attention for the advocate's issue in the media and among the public increases the chance that the story will be picked up by the international media. This, in turn, creates new opportunities

for the advocate to build alliances with people in other countries. For more on working with the media, see Chapter 6. For more on building alliances, see Chapter 3.

8.2 THE DANGERS OF BOYCOTTING AND STRIKING

Despite the potential benefits, organizing—or even participating in—a boycott or strike can be dangerous. By design, these tools often target powerful business and government interests. They represent an exercise of power by many individuals acting as a group. Rather than concede to the demands of the advocate, however, a business or government faced with a large-scale boycott or strike may decide to strike back at the advocate. If the boycott or strike is poorly organized, or lacks broad support, the advocate may become isolated and could be at great risk of retaliation. It may also suggest to opponents and decisionmakers that there is little support for the advocate’s position. An advocate must carefully consider the risks of undertaking a boycott or strike before organizing one. For more on avoiding negative results because of advocacy (called *backlash*), see Chapter 10.

In some countries, the use of boycotts and strikes is illegal. The “right to strike” does not exist in all African nations, and where it does exist, its use may be limited. The advocate

CAUTION!

Before organizing a boycott or strike, the advocate must know whether such actions are legal and whether the political and social conditions are right for such actions.

Even when they are legal, the use of strikes and boycotts can result in retaliation against the advocate.

and his or her supporters must understand what the law allows before organizing a strike or a boycott. Even when strikes and boycotts are legal, the advocate should take into account the local political and social conditions to determine whether a strike is likely to be safe, well-supported, and effective.

Advocates should also carefully weigh the potential effects of a boycott or strike on the people in the area. If a company provides a vital service to people that is not offered by other companies, a boycott may bring hardship to the people. This can also be true if, as a result of a boycott or strike, a company decides to withdraw from a region or country. Similarly, strikes can leave people with no income and can be very hard for the people who are striking. An advocate must, therefore, consider the likely effects of a boycott or strike and weigh them against the potential benefits.

8.3 THE NEED FOR BROAD SUPPORT

A large number of people must participate for any tool of economic advocacy to be used successfully. The refusal of one or two individuals, or even a small group of people, to do business with a company or to go to work probably will not influence decisionmakers. Worse yet, a small group of people lacking broad support may be more vulnerable to retaliation. Although a boycott can be launched by a handful of concerned citizens, it will not be effective until many people become involved. An advocate should not consider a strike unless he or she has reason to believe it will be broadly supported.

BOYCOTTS

8.4 WHAT IS A BOYCOTT?

A boycott is a refusal, usually by a large number of people, to do business with a company (or even a government). The goal of a boycott is to convince a company to change its policies. A boycott can create pressure on the target company in two ways.

First, because fewer people are buying the company's products or using its services, the company may lose money. Second, boycotts often generate media coverage. If the coverage is negative, the company risks damage to its reputation and, in turn, its long-term sales and profitability. Third, for corporations that have publicly traded stock, lower profitability and bad press can result in the corporation's stock

losing value. This can cause the corporation's shareholders to place pressure on management to resolve the problem. The boycott provides a way for advocates to use people's desire for money as a tool for social and environmental change.

**BOYCOTT OF ROYAL DUTCH SHELL FOR ITS ACTIVITIES
IN THE NIGER DELTA**

There is an ongoing boycott against Royal Dutch Shell, its subsidiaries, and their products as a result of the company's oil development activities in Ogoniland, in the Niger Delta region of Nigeria. Community and environmental advocates are protesting Shell's pollution of Ogoniland and ignoring government repression of activists, including the execution of Ogoni leader Ken Saro-Wiwa in 1995. The boycott by environmental and human rights organizations in Nigeria and the United States calls on Royal Dutch Shell to clean up existing pollution in Nigeria, raise its standards for future operations there, and compensate the Nigerian peoples harmed by its activities.

8.5 WHO CALLS FOR A BOYCOTT?

Any person or organization can announce a boycott. However, without broad support from like-minded organizations or community members, a boycott is unlikely to have any influence on decisionmakers. A boycott organizer should have a good idea of the level of support available before attempting to launch one.

8.6 WHO JOINS A BOYCOTT?

Again, anyone can participate in a boycott. The essence of boycotting is simply the refusal to do business with the target of the boycott. This refusal can come from individuals and organizations at the local, national, and international level. For example, people from all over the world—not just in the Niger Delta—have joined in the Shell boycott described in the box above.

The advocate must always bear in mind that participants in a boycott are losing access to goods and services they would otherwise use. During a boycott, these people must obtain these goods and services elsewhere. The advocate should ensure, to the extent possible, that alternative goods and services are available.

8.7 ORGANIZING A BOYCOTT

The details of organizing a boycott are beyond the scope of this handbook. However, successful boycotts usually:

- Are the result of significant planning and research.
- Have a carefully chosen target. Participants in the boycott must easily be able to understand which product, company, or industry they are boycotting.

- Involve many organizations and communities working together at different levels. For more on alliances, see Chapter 2.
- Have specific and achievable goals. The target of the boycott must be able to understand what is being demanded, and participants must be able to measure the success of the boycott in achieving its objectives.
- Communicate information about the issues to the public and the media. For more on getting the word out and working with the media, see Chapters 5 and 6.

8.8 THE THREAT OF BOYCOTT

As with every advocacy tool, the boycott should only be considered in the context of a broader advocacy strategy. Some advocates have found that talking—and negotiating with—the potential target of the boycott before launching it can lead to positive results. As with court action (discussed in Chapter 7), the mere *threat* of a boycott can affect a company that stands to lose profits as a result of the boycott. A boycott should not be

THE MONTGOMERY BUS BOYCOTT

One of the most famous boycotts in history took place in the United States in the 1950s, in the state of Alabama. At that time, state and local law required black people to ride in the back of the bus, while white people sat in the front. If the "white section" filled up, black passengers were required to give up their seats and stand.

On Thursday, December 1, 1955, in the city of Montgomery, Alabama, a black woman named Rosa Parks sat in the last empty seat in the row of the bus nearest the white section. Soon the white section filled up, and another white man boarded the bus.

The bus driver demanded that Parks and the three other black people in her row stand up so that the white man could sit in that row by himself. None of them moved. When the driver threatened them, the black people stood up and moved farther back in the bus—except for Rosa Parks, who did not move. The police were called, and she was arrested. She did not resist.

The night of her arrest, local activists printed flyers (small, one-page notices) telling people about the arrest and urging black people not to ride the buses on Monday. The activists realized that more black people than white people rode the city's buses, and that a boycott would cause the bus companies to lose money. Also, fewer people on buses would mean fewer people shopping downtown, and less business for white-owned stores in the city. On Friday morning, the flyers were spread all over town.

On Monday, Rosa Parks went to court and was fined \$14 for violating the bus law. That same day, the Montgomery Bus Boycott began. Black people throughout the city responded to the call for a boycott, and the city was filled with empty buses. What began as a one-day boycott continued. Dr. Martin Luther King, Jr. was one of the leaders of the bus boycott.

Although the boycott was peaceful, boycotters were harassed and terrorized. Black people with cars who offered rides to boycotters were sometimes arrested for picking up "hitchhikers," a term for people without cars who are looking for a ride. Similarly, black people waiting for rides from friends were arrested for loitering. It was even announced that black cab services that tried to give discount fares to boycotters would be prosecuted for charging less than the "minimum" required fare. Churches using their own vehicles to provide transportation for black people had their insurance canceled. And Dr. King and others were charged under an old law that prohibited boycotts. On January 30, 1956, Dr. King's home was bombed. Fortunately, his family was not injured.

On November 13, 1956, the US Supreme Court struck down Alabama's state and local laws requiring segregation on buses. Federal authorities forced city and bus officials to comply with the Court's ruling. Finally, on December 21, 1956, Dr. King and a white minister sat together in the front seat of a public bus.

The successful boycott, which lasted 381 days, helped to launch the American civil rights movement. Dr. King would become the leader of this movement. As for Rosa Parks, she never paid the \$14 fine.

threatened, of course, unless the advocate is prepared to carry it out. An advocate and his or her organization can lose credibility for threatening to take actions that they are unwilling or unable to undertake in an effective manner.

8.9 BACKLASH AGAINST BOYCOTT ORGANIZERS AND PARTICIPANTS

Boycotts can be dangerous for the advocates who organize them and the people who participate in them. Boycotts threaten financial harm to the businesses they target and to the governments that support and depend on those businesses. Boycotts should be organized and carried out with extreme care.

Also, an advocate should understand the laws in his or her country and locality relating to boycotts. In some countries, boycotting may be illegal. For more on responding to backlash against advocates, see Chapter 10.

8.10 THE FLEXIBILITY OF BOYCOTTS AS A TOOL FOR ADVOCACY

The boycott is a flexible tool that can be shaped to the needs of the advocate. This is clear even from the history of the word “boycott.” In 1880, the tenants of an estate manager in Ireland, an Englishman named Charles Boycott, demanded that their rents be lowered as part of a campaign for land reform. Boycott refused and evicted tenants who could not pay. Charles Parnell, who was president of the Irish Land League, gave a speech urging local people to refuse to deal with Boycott. Boycott was soon isolated: he could not find laborers to work for him, local business stopped serving him, and he could not get his mail delivered.

One of the best examples of a successful boycott comes from another historical example: the Montgomery Bus Boycott of 1955-1956 in the United States. The story of this boycott demonstrates how successful—and how dangerous—a boycott can be.

8.11 SPECIAL CASE: DIVESTMENT

Divestment occurs when people and institutions withdraw their financial support from companies to encourage them to change their policies in some way. In other words, rather than “investing” in the companies, these institutions are taking their money out of them. The institutions that join in a divestment campaign are usually groups that make large investments in business interests on behalf of their members or employees. These institutions might include, for example, government agencies, universities, trade associations, and labor unions, as well as the financial institutions (banks and brokerage houses) that manage employee investment funds. Divestment is essentially boycotting on a grand scale.

One famous example of divestment occurred in the 1980s when institutions around the world divested from companies doing business in Apartheid South Africa. The goal was to compel companies—particularly powerful multinational corporations—to pull out of South Africa, which many did. Economic pressure on the South African government played an important role in Apartheid ultimately giving way to democracy. The South African example makes clear that divestment, though directed at companies, can influence government policy, even deeply entrenched policies that protect powerful economic interests.

Although a divestment campaign can be powerful, to be successful it requires a high level of support from people and institutions around the world. It can also be a dangerous tool for those who use it, to the extent that it threatens the economic and political well-being of corporate and government officials. Finally, advocates must carefully con-

sider whether divestment may result in harm to the people it seeks to benefit, and if so, whether the likely benefits outweigh the harms. In other words, economic pressure on a company or a regime can also create economic hardship for the people who work for that company or live under the rule of that regime. The decision to pursue a divestment campaign requires careful consideration.

STRIKES

8.12 WHAT IS A STRIKE?

A *strike* occurs when employees join together and refuse to work until their employer meets their demands. This tool helps to create a balance of power between the individual employee and the company for which the employee works. Employees use strikes to obtain higher wages, better working conditions, and improved benefits. Strikes can also create a great deal of media coverage, drawing attention to the workers' cause. Usually the employer is aware that the strike will occur, as the mere threat of a strike may result in employer concessions.

Labor unions are often involved with strikes, which helps to ensure that the workers stand united during a strike. If fewer than all employees strike, the employer has a greater temptation to fire the striking employees and replace them with new employees. It is more difficult (though not impossible) for the employer to fire and replace *all* of its employees.

8.13 OBSTACLES TO CARRYING OUT A STRIKE

A step-by-step description of how to organize a strike is beyond the scope of this handbook. The strike as a tool of advocacy is introduced here simply to provide the advocate with background on a tool that has been used successfully by workers trying to obtain concessions from their employer.

Strikes require a legal framework that allows employees to organize and to withhold their labor. Many African countries lack worker-friendly labor laws. And strikers who violate the law in any country may be risking a firm, even violent, response from the government or employers.

Even in countries where strikes are permitted by law, they carry many hazards. Striking workers can, in many circumstances, be fired by their employers. In situations where local unemployment is high and the striking workers' skill level is low, the employer may simply decide to fire the strikers and hire new workers to replace them. And it is important to remember that a striking worker receives no pay and no benefits during the strike. Also, public opinion can turn against strikers who may be seen as asking for too much. Finally, strikes sometimes lead to violence. Because of the many risks of striking, a strike should only be considered after substantial research, planning and organization.

8.14 RELATED TOOLS

Other tools exist for withholding employee labor until demands are met. For example, workers can engage in a *slowdown*, during which they continue to work, but do so more slowly or less efficiently. Another form of strike is the *sitdown*, in which the workers, as a group, suddenly cease working and wait for the employer to concede on an issue. Another variation is the *walkout*, which involves workers leaving the workplace without notice. Workers have also participated in *sick-outs*, during which all or many workers claim to be sick on the same day. This technique is often used under circum-

stances when striking would be illegal. Like the traditional strike, each of these tools can be risky and even dangerous for strikers.

8.15 SPECIAL CASE: THE GENERAL STRIKE

Another type of strike, known as the *general strike*, has taken place in Africa in recent years. A general strike occurs when workers in all or many industries within a locality or a country go on strike at the same time. This kind of strike can be used to seek concessions from employers, but it is also often used to place pressure on the national government. The general strike amounts to a political event that draws massive media coverage—and may well create significant backlash directed toward people who organize it and participate in it.

In recent years, general strikes have taken place in African countries as different as South Africa and the Democratic Republic of the Congo (DRC). In June 1997, for example, over two million South African workers went on a general strike to seek better employment conditions. The strike was called by the Congress of South African Trade Unions (COSATU). During this strike, President Nelson Mandela joined with workers in support of improved labor laws. General strikes often involve protests, marches, and mass demonstrations, a detailed discussion of which is beyond the scope of this handbook.

In the DRC, the Kinshasa strike in April 1997 was called by leaders opposed to President Mobutu Sese Seko's removal of Etienne Tshisekedi from the post of Prime Minister. In this broad strike, which paralyzed the country's capital, not only workers and merchants, but also students, children, and the unemployed, stayed indoors.

OTHER FORMS OF ECONOMIC ADVOCACY

Although this Chapter focuses on the use of boycotts and strikes, the advocate can also seek long-term change by using economic advocacy tools as a means of *supporting* companies with beneficial policies or *supporting* beneficial products. Rather than withholding financial support or labor from a business with objectionable policies, the advocate might instead choose to support a business or industry with favorable policies (for example, its sustainable use of natural resources or its fair treatment of workers). This may also encourage other companies to adapt the same policies. This approach can complement the use of a boycott; while discouraging people from choosing one company or product, the advocate can suggest other, favored companies or products as alternatives. Again, the advocate must seek broad participation to ensure that the show of support benefits the favored company and creates an incentive for other companies to reconsider their policies.

Under pressure from constituents and students, many governments and universities in the US have adopted environmentally preferable purchasing policies. These policies mandate that, when making purchasing decisions, an institution gives preference to products that meet environmental criteria related to recycled content, recyclability, toxicity, energy and water efficiency, and other such issues. Forty-seven U.S. states and the federal government have selective purchasing laws that give preference to recycled material. This, in turn, has helped to create a market for recycled materials.

8.16 PROCUREMENT POLICIES AND SELECTIVE PURCHASING LAWS

Advocates can encourage governments, universities, and other large institutions to adopt *procurement policies* and *selective purchasing laws* to express their values. Procurement policies are guidelines enacted by an institution to guide the institution's own purchasing practices. Selective purchasing laws are acts of parliament that require government agencies to use certain guidelines when purchasing materials or services. These policies either encourage or discourage the purchase of certain goods and services according to established criteria. They can be used to discourage social and environmental harms and promote socially and environmentally responsible corporate poli-

In 2000, shareholders in Talisman Energy, a Canadian corporation, circulated a resolution demanding that the company supply an independently verified report on the company's compliance with international human rights standards in their operations in Sudan. The resolution asked the company's Board of Directors to "respect international human rights standards and make transparent the impact of the company's operations in Suda." The company did release reports in 2001 and 2002 on its compliance with the International Code of Ethics for Canadian Business. And in 2002, it sold its interest in the Sudan operations.

cies and practices. By publicly announcing the criteria for selective purchasing and the reason for the policy, an institution can ensure that companies with whom they do business understand the behavior being encouraged or discouraged. If many institutions adopt similar criteria, the market for the preferred product will improve, thereby furthering the advocate's purpose.

Because the economic purchasing power of institutions is what makes these tools effective, the purchasing practices of larger institutions can have greater impacts on a market than those of smaller institutions can. Though these tools may seem to be out of the grasp of many smaller, grass roots advocacy groups, individuals and groups of any size can encourage responsible purchasing in institutions of which they are a part or with whom they partner. While selective purchasing policies can be effective tools, they carry many of the same risks of retaliation and unintended consequences as other economic advocacy tools.

8.17 SHAREHOLDER RESOLUTIONS

In many countries, people or institutions that own shares of stock in a publicly held company are allowed to introduce shareholder resolutions to be voted on by all eligible shareholders. Different countries have different laws governing how much stock shareholders must own and how long they must own it in order to be eligible to introduce shareholder resolutions. A person or group who meets these requirements can introduce shareholder resolutions that demand changes in corporate policies or actions. Even when a resolution has little hope of being supported in a shareholder vote, it can be an effective way of influencing corporate behavior or getting media attention for an issue.

Although this tool can be effective in bringing to attention to, and even changing, troubling corporate policies and practices, most advocacy organizations do not have the resources necessary to take these actions. Getting a shareholder resolution to be considered is also difficult and time-consuming. Many such resolutions will not be successful without the support of the largest shareholders of the company. Shareholders vote their number of shares, which means that a person who owns 100,000 shares has 100,000 votes, while a person who owns 1 share has just 1 vote.

OTHER RESOURCES

Co-op America, *Co-op America's Boycott Organizer's Guide*, available on the Internet at http://www.coopamerica.org/boycotts/boycott_organizer_guide.pdf. This guide is designed to help launch boycott organizing efforts in the United States. The mailing address for Co-op America is 1612 K St. NW, Suite 600, Washington, DC 20006, USA.

For more information on the use of the general strike in Africa, see <http://www.dnai.com/~figgins/generalstrike/africa/index.html>.

CHAPTER 9

DEMONSTRATIONS AND OTHER PUBLIC ACTIONS: TOOLS FOR SOCIAL ADVOCACY

Throughout the world, the freedoms of association and expression are regarded as a fundamental human right. These freedoms are included in most constitutions and are central principles of the 1948 United Nations Universal Declaration of Human Rights. Article 19 of the UN’s Universal Declaration of Human Rights states that “everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers,” while Article 20 states that “everyone has the right to peaceful assembly and association.” Where freedom of association is guaranteed by a government, advocates may take advantage of that freedom to conduct demonstrations and other mass movements in order to draw attention to a problem. Where freedom of association is not guaranteed by a government, advocates may risk political or physical retribution for taking part in public demonstrations or other forms of political expression. The conditions in the advocate’s country must, therefore, be closely considered before using these advocacy tools.

OVERVIEW

The tools discussed in this chapter can be broadly described as activities designed to increase awareness and demonstrate advocates’ views about an issue. These tools range from marches and rallies to picketing and civil disobedience. While the economic advocacy tools described in Chapter 8 seek to apply economic pressure to encourage a desired change in an institution’s behavior or policies, public demonstrations, civil disobedience and the other actions described here seek to draw attention to the issue and to use the power of public opinion to bring about change.

9.1 THE BENEFITS OF DEMONSTRATIONS AND PUBLIC ACTIONS

Demonstrations and public actions can unite citizens that have a common concern. By bringing people together for a common cause, demonstrations can help to energize and unite existing supporters. It allows them to feel that they are doing something concrete towards advancing their beliefs. Public actions also are a good way to create new advocates for the cause by bringing in new supporters. When the voices of concerned citizens are united through these types of events and actions, problems that are commonly ignored can be brought into the view of people in power and the general public. Such ac-

In October, 2002, trade ministers from 34 countries in North and South America met at a hotel in Quito, Ecuador to negotiate new trade agreements. On October 31, six thousand demonstrators, primarily composed of indigenous peoples, farmers, trade unionists, and students rallied outside of the hotel in protest. The group wore costumes, carried signs, sang, and chanted to protest the new trade agreements that they expected to harm indigenous people and small farmers. At the end of the meetings and after significant media attention was given to the protests, a group of more than 50 demonstrators was invited to meet with the trade ministers. This allowed the demonstrators to deliver their messages to the ministers personally and in front of the media.

tions may embarrass public officials or private companies and bring about change. They may also result in risks to the advocate.

9.2 THE RISKS OF DEMONSTRATIONS AND PUBLIC ACTIONS

While public actions can be effective advocacy tools, they are most effective when they are combined with other advocacy tools that educate, continue discussion, and keep the issue in front of the intended audience. Public actions speak loudly to draw attention to an issue, but once a demonstration has occurred, the advocate must be prepared to follow up with more in-depth discussions and advocacy. Otherwise, the benefits of the demonstration may be lost quickly.

Advocates should also be careful in crafting the message they desire to send through the public action so that it is both accurate and effective. It is important to consider how institutions may respond to the public action. For example, can the institution take the action being advocated given political, social, and economic conditions? Has the message been crafted to allow the institution being targeted to respond in a useful way? Taking these factors into consideration may help to ensure that public actions have the maximum effect. Crafting the message also is discussed in Chapter 5 above.

CAUTION!

While demonstrations and other public actions can be very effective in some situations for giving voice to opinions that are often ignored there are also significant risks in using these tactics. Some countries have laws against some forms of demonstration or other public actions. Even when activities are legal, governments, corporations, or other institutions may retaliate physically, economically, or legally against those who organize or participate in demonstrations if

9.3 DEMONSTRATIONS AND THE MEDIA

With many forms of media (radio, print, television, and internet) becoming more and more pervasive throughout Africa and the world, much of the potential power of mass movements and demonstration actions comes from the ability of public actions to attract the attention of the media. Through media coverage of actions, groups can reach out to other concerned citizens to support or join in their cause. Drawing media attention to actions can also be effective in pressuring an institution to make a desired change. For more information on crafting and disseminating a message through the media, see Chapters 5 and 6.

9.4 COORDINATED DEMONSTRATIONS AND MASS ACTIONS

One way to draw media attention to a demonstration is to coordinate multiple events to occur in several locations at the same time or on the same day. Demonstrations and mass actions are often combined with boycotts and strikes to draw attention to a problem and to encourage more people to join in economic advocacy activities. Coordinated demonstrations can be a good way to exhibit the organization, unity, solidarity, and scope of a movement.

DEMONSTRATIONS

9.5 RALLIES AND MARCHES

Rallies and marches are events in which a group of concerned people gather to draw attention to a problem or concern. *Rallies* are generally events in which a group gathers at a highly visible, strategic, or symbolic site to show their unified support for (or opposition to) an action or their concern regarding a problem. Rallies often include activities

such as speeches, education, music, and theater intended to educate, motivate, and unify the group.

A *march* is, in essence, a moving rally. During a march, the assembled group walks together peacefully in order to draw attention to an issue of concern. Marches generally move through or towards areas that are highly visible and/or areas of symbolic importance to a cause. As a march proceeds, participants often express their concerns through many different methods including signs, chants,

Since 1998, Treatment Action Campaign (TAC) has led many marches in several cities throughout South Africa to encourage that country's government to take more decisive action in combating HIV/AIDS. TAC has organized marches to the offices of drug companies and government offices demanding that antiretroviral drugs and other medications for the treatment of HIV/AIDS be made readily available to those in need. These marches have been an integral part of a movement that has won many concessions from the government and drug companies such as Pfizer, Boehringer Ingelheim, Glaxo-Wellcome, Bristol-Meyers, Abbott, and Roche. For example, because of intense pressure, Glaxo-Wellcome lowered the prices of their patented HIV medication, AZT

During the struggle for civil rights for African Americans in the 1960s, leaders of the movement organized many marches to rally support for their cause of achieving equal rights. A series of marches that took place in 1965, in the small town of Selma, Alabama were some of the most important events of the civil rights movement. On March 7, 1965, 600 people set out to march 55 miles from Selma to Montgomery, the capital of Alabama, to protest the state's unjust voting laws that stopped African American citizens from voting. Before they could even leave Selma, they were met by police who beat them back with clubs and tear gas. On March 9, civil rights leader, Martin Luther King, Jr. led a symbolic march to the spot where the police brutality occurred and on March 21, 3,000 people set out from Selma to march on Montgomery. When they arrived in Montgomery on March 25 after five days of marching and sleeping in fields at night, the group had grown to include 25,000 marchers. The national press attention that was attracted by the struggle and triumph of the marchers and the overwhelming public support from across the country that resulted were major contributing factors in the passage of the Voting Rights Act of 1965, which ended many of the injustices against which the marchers protested.

speeches, and music.

In some cases, marches may be more effective in drawing attention to a cause than rallies. As a march proceeds through its route, more people are likely to see the assembled crowd. The sight of a unified and well organized march can also be psychologically powerful, for both people in the crowd and those outside of it.

9.6 PICKETING

Picketing is a form of demonstration in which individuals or groups gather to voice their dissent against an institution's policy or behavior. Groups generally gather at sites that are either actual sites of power or are symbolic of or associated with a company, government, or other institution whose policies the group would like to change. Picketers often carry signs mounted on pickets (wooden sticks) with messages expressing their point of view. During picketing actions, participants often chant and distribute printed materials explaining the group's concerns. Picketing can be an effective tool to convey a message both to an institution as a whole and to its individual members or employees.

Picketing is often timed to coincide with periods of high traffic (pedestrian or otherwise). By picketing at the beginning or end of the work day, a shift change, or lunchtime when many people will be passing by, demonstrators ensure that they are seen by the greatest number of people possible.

Advocates should be aware of the very personal nature of a picket, particularly where people will have to cross the picket lines. Though picketing can be a good opportunity to express a point of view, it can also make individuals feel personally attacked because it

On June 20, 2000, TAC, along with several partner organizations, organized picketing by 150 to 200 demonstrators outside of the main gates of Pfizer Pharmaceuticals' South African plant in Pietermaritzburg, near Durban. During the 90 minutes of picketing, the demonstrators held signs, chanted, and sang songs encouraging Pfizer to reduce prices or donate supplies of Fluconazole, a drug that effectively treats brain infections common in persons with AIDS. In response to the pressure from demonstrators, Pfizer has reduced the price of Fluconazole for the next two years.

forces them to cross a line of protesters. Often when people feel that they are being personally attacked, it provokes a defensive reaction rather than a constructive one. Advocates should not physically prevent passage or otherwise harass passers-by, even if they are associated with a target institution. Such aggressive behavior is often

illegal and generally serves to cause resentment.

Generations of labor union members have formed picket lines outside of factories and other buildings from which they are striking. While picketing is often associated with striking workers, this tool may be used by any individual or group that wishes to draw public attention to the policies or actions of an institution and accepts the risks of picketing.

In 2002, groups including Greenpeace, Friends of the Earth, and People and Planet organized pickets of gas stations owned or operated by ExxonMobil to protest the company's environmental record. The picketers hoped to raise the public consciousness regarding such issues as Exxon's role in discouraging the United States' government from taking action to address global climate change. Like many pickets, the ExxonMobil pickets sought to bring change by publicly announcing the irresponsible action of the corporation. Pickets can be effective both through the threat of damaging public opinion of an institution and by encouraging consumers to change their purchasing habits, thereby applying economic pressure.

CIVIL DISOBEDIENCE

Civil disobedience is the deliberate, peaceful, and public violation of a law by an individual or group to protest certain laws or policies or to bring attention to an issue. The term "civil disobedience" was first popularized by 19th century American philosopher and writer, Henry David Thoreau. Because he strongly disagreed with the unjust policies of slavery and with the Mexican-American War, Thoreau refused to pay federal income tax. As he sat in jail for his refusal to pay taxes, Thoreau wrote an essay entitled "Civil Disobedience" in which he discussed the necessity of defying unjust laws and outlined the reasoning for his own civil disobedience.

Mohandas Gandhi, the leader of the Indian independence movement of the 1930s and 1940s, used the principles of civil disobedience outlined by Thoreau to combat the extraordinary economic and military power of the British colonial regime. Gandhi encouraged his own form of civil disobedience, known as *satyagraha*, or passive resistance in leading protesters into confrontations with British police and military authorities. When confronted with injustice and violent oppression, Gandhi encouraged his followers to confront the powers, but never to attack them, thereby amplifying the appearance of brutality and injustice by the authorities. The principles of peaceful civil disobedience that were developed by Thoreau and Gandhi have been used to advance the causes of many different groups over the course of the last century, including the American civil rights movement led by Dr. Martin Luther King, Jr.

Civil disobedience can take many forms. An advocate may refuse to obey a law that the advocate considers unjust or immoral, such as refusing to pay taxes to support a government considered to be illegitimate. Or an advocate may fail to comply with a law in order to bring attention to a cause, such as chaining oneself to trees to be cut or to equipment to be used to carry out a project the advocate opposes.

The response of governments and law enforcement authorities to civil disobedience can also take many forms. In some countries, minor acts of civil disobedience are routinely disregarded by law enforcement officials. In other countries, breaking any law can become an excuse for imprisonment or other punishment.

Advocates planning civil disobedience actions often inform the media (including domestic and international media), and even the institution that they are protesting against, of their intentions and motivations in advance to ensure that the message behind their actions reaches the largest possible audience.

Though some individuals that engage in nonviolent civil disobedience do not readily submit to arrest or punishment, one of the central principles of these tools is that participants never, under any circumstances, react violently, even when they are threatened or attacked.

CAUTION!

While civil disobedience may sometimes be used effectively to protest unjust laws or practices, it is, by definition, illegal. These actions can often be met by serious negative backlash; participants in civil disobedience actions are often subjected to physical or legal retaliation, including criminal prosecution. Because such actions knowingly break the law, an advocate must thoroughly understand the possible responses of government and law enforcement officials, and the potential consequences of such responses, before taking such an action.

9.7 TRESPASSING

Among the simplest and most common forms of civil disobedience is *trespassing*. In a civil disobedience trespass action, an individual or group openly and purposefully enters onto property or into a building from which they are prohibited. For example, to protest segregated lunch counters in the United States, some African Americans broke the law by sitting in “whites only” sections. Some environmental advocates have started “tree sitting,” where they climb and refuse to leave trees targeted for logging.

The School of the Americas is a U.S. Army facility in Fort Benning, Georgia at which the U.S. Army trains foreign military personnel from Central and South America in military tactics. Each year, groups of protesters trespass onto Fort Benning property to protest against the human rights violations that have been associated with groups trained at the School.

On June 21, 2000, 462 protesters publicly trespassed onto a U.S. Navy bombing range on the island of Vieques in Puerto Rico. The protesters sought to bring to public attention the environmental and human rights problems associated with the bombing range, including the displacement of the island’s inhabitants, destruction of the fisheries off the island, and allegedly high cancer rates among island inhabitants.

9.8 SIT-INS

Sit-ins are a form of civil disobedience in which protesters occupy a public or private space that they are generally not allowed to occupy or use the space in a way that they are generally not allowed to use it. Generally, the participants in a sit-in refuse to leave the site of their protest until the targeted institution makes desired changes to their policies or actions or until the sit-in has generated the desired media coverage.

In Greensboro, North Carolina, in the 1960’s, African-American students held the first sit-ins at “white only” department store lunch counters. In town after town throughout the southern U.S., young African-Americans held similar sit-ins at segregated lunch counters in order to challenge the formal and unwritten laws of racial inequality.

9.9 BLOCKADES

In the summer of 2002, several groups of Nigerian women blockaded multiple oil extraction and transport facilities in Nigeria. One group of 150 women from the town of Ugborodo blockaded a Chevron Texaco terminal facility in southern Nigeria, halting the terminal's operations. In response to the blockade, Chevron officials have agreed to build a town hall, schools, and power and water systems for the town of Ugborodo.

A *blockade* is a form of civil disobedience in which protesters block the passage of goods or people into or out of an area for the purposes of halting the business of a company, industry, or government. Blockades can take many different forms. The object of a blockade can be to block a single room, building, or facility or to isolate an entire region or nation. Blockades can be conducted by using people to physically block a path or by using objects to obstruct a path. While blockades are usually meant to block relevant or symbolically important sites, groups sometimes select particular sites to blockade because of their high visibility.

When the general public is significantly inconvenienced or harmed by a blockade, there is great potential to generate resentment. Though blocking a bridge or an intersection during rush hour may draw significant attention to a cause, the negative reactions of those inconvenienced by the blockade may outweigh the increased visibility of the movement.

OTHER PUBLIC ACTIONS

Gathering like minded people together in the same physical place to express their point of view by any of the means described above can be very effective in demonstrating the depth of a group's displeasure and the extent of their coordination. Advocates may also use symbols as a way of demonstrating their support for a cause at times when they are not physically gathered together in a group. Such symbols can take a wide range of forms. For example, slogans or sayings can be printed on stickers, signs, or clothing. Visual icons are another broad class of symbols that are often adopted so that individuals may express their support for a cause. For further information, see Chapter 5 above.

When President Frederick Chiluba announced he would seek to amend the Zambian Constitution to allow him to seek a third term, civil society and political opposition members adopted a novel strategy. They called for all motorists to hoot their horns at 5pm each Friday and for persons without cars to buy whistles to show their displeasure with the President's proposal. President Chiluba eventually decided not to seek a third term.

Other symbolic actions can also be very effective forms of advocacy. For example, hunger strikes, lighting candles in windows, community-wide moments of silence, and the wearing of armbands or other symbolic insignia can all be done by large groups of people without necessarily gathering together.

ORGANIZATIONAL CHALLENGES

Much organizational effort is required to orchestrate a demonstration or other public event of any significant size without having it end up in chaos or worse. Coordinating with local officials, satisfying permit requirements, ensuring crowd control and management, dealing with people who act violently or inappropriately, and publicizing the event effectively are all essential and substantial obstacles to overcome. Entire publications have been written about this subject, which is only addressed briefly here. For additional information, see Other Resources at the end of this Chapter.

Organizing a large demonstration such as a rally or a march can be quite difficult and complex. Demonstration organizers typically advertise plans for a march through word

of mouth and by other means. Depending on the resources available to a group, posters, internet postings, mass emailing, word of mouth, and conventional advertising can be effective in publicizing a march or other public action.

When organizing a public action, communication with law enforcement officials and other relevant government agencies is important, although it might not always be possible. By working with the necessary government agencies, organizers can ensure that necessary permits are obtained and that arrangements are made to address issues such as safety, sanitation, and traffic control. By communicating with local law enforcement and government officials, organizers may reduce antagonism between marchers and law enforcement during the event.

In many countries, advocates that wish to organize public demonstrations or protests must obtain permits from government authorities. If a group undertakes any of the forms of public demonstration described above without getting the necessary approval from the governing authorities, members of the group may risk punishment, including criminal prosecution. Non-permitted demonstration is one example of civil disobedience.

One visual symbol that has become widely recognized around the world is the “AIDS Ribbon,” a folded red ribbon that is often pinned to clothing. Since 1991, when the AIDS Ribbon was first worn by artists in New York City, the ribbon has spread as a symbol of support for those infected by HIV and as a symbol demanding urgent action on the part of the world’s governments and medical institutions to address the AIDS epidemic.

OTHER RESOURCES

Kimberley Bobo et al., *Organizing for Social Change* (Seven Locks Press 2001).

R.L. Holmes, *Nonviolence in Theory and Practice* (Waveland Press 1990).

Randy Shaw, *The Activist’s Handbook* (University of California Press 2001).

For interesting stories of nonviolent social movements and curriculum to use in teaching about nonviolence, see “A Force More Powerful: A Century of Nonviolent Conflict” at <http://www.pbs.org/weta/forcemorepowerful/>.

A manual from The Albert Einstein Institution entitled “198 Methods of Nonviolent Action” is available at <http://www.aeinstein.org/> on the “publications” page.

CHAPTER 10

WHAT TO DO WHEN THINGS GO BAD: TOOLS FOR ADDRESSING THE NEGATIVE CONSEQUENCES OF ADVOCACY

Risk comes with all advocacy. This Chapter suggests techniques for avoiding the negative consequences of advocacy, discusses the common types of actions taken against advocates, and cautions that consequences can be severe—even life-threatening. Advocates must always act with care and deliberation.

OVERVIEW

Environmental advocacy, even when it follows the law, can result in harm to advocates, as well as their organizations, businesses, and loved ones. Opponents of advocacy activities have at times sued, harassed, threatened, and physically attacked advocates who spoke out against their interests. Governments around the world have silenced advocates by shutting down their organizations or illegally arresting, and detaining, and even executing them. The cases of Steven Biko and Chico Mendes are well known, but many more activists have been physically harmed because of their activities.

For example, in the 1990s, environmental and human rights advocates in the Niger Delta were arrested and executed by the military regime then in power. In 1995, in Zimbabwe, the Minister of Public Service, Labour and Social Welfare suspended the executive board of the Association of Women's Clubs. In 1990, Earthfirst! activists Judi Bari and Darryl Cherney were injured when a bomb exploded in their car. Bari and Cherney were planning protests against logging of redwood trees in California. The authorities arrested the activists and charged them with transporting the explosives. But these charges were not pursued, and the activists eventually won a \$4.4 million verdict against the authorities.

PREVENTION OF BACKLASH

10.1 THOROUGHLY UNDERSTAND THE POSSIBLE CONSEQUENCES BEFORE STARTING TO ADVOCATE

Whenever an advocate or organization is planning advocacy activities of any kind, it is crucial to consider anyone who may be affected or angered by the advocacy and the

CAUTION!

Advocacy work can be extremely dangerous for the advocate and those close to the advocate.

Types of Retaliation

- bodily harm or threats of harm (including detention and arrest, abduction, and murder)
- campaigns to harm reputation (personal or business)
- lawsuits
- de-registration of the advocate's organization
- economic (including boycotting or isolating advocate's business)

Targets of Retaliation

- the advocate
- the advocate's family and friends (and their businesses, property, and other interests)
- the advocate's organization or cause
- the advocate's job or business
- the advocate's property
- any other interest of the advocate
- the people or resource on whose behalf the advocate is acting

possible consequences. For any given issue, the advocate is likely to encounter many interests—often powerful interests—aligned against the advocate’s cause. This is not to say that every opponent is likely to harm the advocate, because many businesses and governments will follow the law. However, it makes sense to assume that there may be some individuals in business or in government who will not necessarily follow the law. Sometimes people will act as though they are above the law. The advocate should continually weigh the risks and benefits of going through with any advocacy effort.

Case Study #9, on pages 92-93, describes a human rights campaign by an NGO in Tanzania that resulted in a backlash against the advocates.

The best way to avoid or minimize retaliation for advocacy is to take steps as early as possible to prevent retaliation from occurring. Advocates should consider the value of low-profile approaches to advocacy that are less likely to attract unwanted attention. Another technique is to build and maintain strong relationships within the community and with the media, which may help to insulate the advocate from the harshest forms of retaliation. Additionally, the advocate should, to the extent possible, engage the government on the issues to avoid becoming isolated. Each of these possibilities is discussed briefly below.

10.2 AVOID THE SPOTLIGHT

One simple way to avoid or minimize the dangers of advocacy is to avoid bringing attention to oneself. To put it another way, the advocate will avoid being in the spotlight, which is the light used to focus attention to the main actor on a stage. The advocate can take an educational approach to advocacy, by distributing information and raising awareness instead of confronting opponents through lawsuits or boycotts. Education often provides the groundwork on which other approaches are built, so beginning with this approach is sensible. Education also helps to build broad public support, which in turn may protect the advocate when and if more confrontational forms of advocacy are needed. Of course, there are some instances where confrontational tools must be used.

10.3 BE AGREEABLE

The advocate can be open and agreeable when speaking and writing. Sometimes the way in which something is said causes as much of a reaction as what is being said. Taking a soft, rather than a hard, approach may help to avoid raising the resentment of opponents.

10.4 USE THE PROTECTIVE SPOTLIGHT

The advocate may choose to be in the spotlight. If so, it is advisable to use the protective spotlight by involving members of the community and the media in advocacy efforts, or at least keeping them aware of such efforts. Not only is this a step that an advocate should take as a matter of good practice, but it also serves a protective function. Specifically, advocates should consider building working relationships and coalitions with community and traditional leaders, NGOs, media representatives, academics, and anyone else who may take an interest in, or be sympathetic with, the advocate’s work. In many cases, this could include non-environmental groups that may have an interest in the advocate’s cause, such as trade unions or religious groups. For example, environmental and health issues are closely related to, and many would say are a subset of, human rights issues.

The more people who are aware of an advocate and his or her work—locally, nationally, and internationally—the more the advocate will be insulated from retaliation by opponents. Opponents of an advocate are less likely to strike out at an advocate if they know that others are involved in and following the advocate's work.

10.5 INVOLVE GOVERNMENT OFFICIALS

The advocate can engage government officials on matters of concern to the advocate. In particular, the advocate should seek like-minded or sympathetic individuals inside government who may support the advocate's cause, or at least help to shield the advocate from other groups or individuals who may be opposed to the advocacy efforts. These sympathetic insiders are often referred to as *champions*.

Even in the absence of a clear champion, trying to involve the government in the advocate's goals is essential. Once engaged, the government may be willing to take action to address problems, thereby reducing the burden on the community to bear all of the responsibility. Involving the government may also provide the government a sense of being part of the solution to a problem. Coalitions that include the government help to insulate the advocate from retaliation from non-governmental entities.

10.6 DO NOTHING FOR THE MOMENT

Although these techniques may prove useful, the only way to avoid all risk of retaliation is to avoid advocacy. The option of taking no action is always one that should be considered, even if it is ultimately rejected. Sometimes the risks of advocacy outweigh the possible benefits, and the advocate may be better served by waiting for more favorable social, economic, or political times before proceeding.

RESPONDING TO LEGAL PRESSURES

Opponents of environmental advocacy sometimes use legally available tools against advocates in illegal ways. This is primarily done through *strategic lawsuits against public participation* (or SLAPPs), and through efforts to de-register an advocate's organization. The advocate must be prepared to respond to these pressures, as well as other forms of retaliation that have been disguised as legal actions.

10.7 STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPPs)

Although the constitutions of many countries in Africa and other parts of the world guarantee citizens the right to participate in government affairs and to speak freely on matters of public concern, advocates are increasingly being sued for exercising those rights. Government officials, corporations, developers, private businesses, and others may bring suit against advocates that oppose them. In most cases, these SLAPPs are simply aimed at suppressing free speech, intimidating citizens, and diverting attention from the underlying problem that the advocate seeks to address through advocacy.

SLAPPs usually lose in court because they lack a sound legal basis. Often, however, the goal of the SLAPP is not to win a legal battle, but to block participation by advocates and other members of the public. For example, a company may know that it cannot be victorious in court, but it may still hope that the expense of defending against the SLAPP, and the fear that comes with being sued, will silence their opponents.

Just as important, defending against the SLAPP can divert the advocate's attention from addressing his or her cause. SLAPPs are more common in countries like the United

CASE STUDY #9

TANZANIA: HUMAN RIGHTS ADVOCACY AND THE BULYANHULU GOLD MINE

Excerpts from a Case Study by Tundu A.M. Lissu
Lawyers' Environmental Action Team (Tanzania)

BACKGROUND

The Bulyanhulu area of Kahama District in central-western Tanzania is the site of the Bulyanhulu Gold Mine, which started production in April 2001.

One of the largest and richest gold mines in the world, the mine is owned and operated by Kahama Mining Corporation, a wholly-owned subsidiary of Barrick Gold Corporation based in Canada. Its construction, which cost \$280 million, was financed by a consortium of commercial banks based in the United States, Canada, Great Britain, Germany, Switzerland, and South Africa. The World Bank private sector insurance arm, the Multilateral Investment Guarantee Agency (MIGA), and the Canadian government's Export Development Corporation (EDC) provided, between them, \$345 million in political risk guarantees for the commercial banks and the operator of the mine.

The Bulyanhulu Gold Mine has a controversial and complex history. Gold was discovered in the area by artisanal miners in 1975. However, minimal corporate interest meant that artisanal mining became predominant throughout the 1980s, and especially in the early 1990s, when the government of Tanzania opened the doors for artisanal gold miners to operate much more freely.

By this time, however, corporations were becoming more interested in the potential of the Tanzanian mining sector, and particularly in the Bulyanhulu deposits. In August 1994, Sutton Resources, another Canadian company that was later bought by Barrick, started to claim rights over the Bulyanhulu deposits. Through its wholly owned subsidiary, KMC, Sutton Resources began legal proceedings against the artisanal miners in the High Court of Tanzania in June 1995.

With legal proceedings going against the Canadian company, and with the government of Tanzania under intense pressure from the Canadian diplomatic mission, in late July 1996 the government ordered the artisanal miners to vacate the area. The following day paramilitary security forces of the government that had earlier been stationed in the area moved against the miners' communities and commenced the forcible evictions. A High Court injunction order issued against the government and the company within days of the removals would not save the artisans from eviction and the destruction of their settlements.

Within days, serious allegations of a massacre of artisans – who were allegedly trapped inside the mineshafts when the company and administration officials decided to bulldoze the shafts to make them inoperable by artisans who continued to sneak in at night – hit the press. These allegations, vehemently denied by the government, the companies, the World Bank/MIGA and the Canadian authorities, have dogged the Bulyanhulu Gold Mine ever since.

The Lawyers' Environmental Action Team (LEAT) is lead-

ing a coalition of NGOs and activists from around the world in demanding an independent international commission of inquiry to investigate the issue.

“NO INVESTIGATION, NO RIGHT TO SPEAK”: THE POWER OF RESEARCH AND INFORMATION-GATHERING

The Bulyanhulu campaign has even more forcefully driven home the need for NGOs to be thoroughly informed about all aspects of the subject of their advocacy campaign and to be able to defend their position in any setting or forum.

Because the key events had already occurred, it was necessary to reconstruct the social, economic, legal, and political history of the area in order to better understand these events, how they had occurred, and who the main players were. To do so, we had to cast our nets wider for relevant information. This took us into the Bulyanhulu area for personal interviews with the local communities and some of the key players and witnesses still living in nearby areas.

We searched public libraries and newspaper archives in Tanzania, Canada, and the United Kingdom; parliamentary and court records in both Tanzania and the United Kingdom; personal papers; official police and government reports, both public and the not-so-public; and company records, internal memoranda, and correspondence of company executives. We sought and obtained documents submitted to the World Bank and MIGA. We even obtained official correspondence and internal documents of the Canadian diplomatic mission in Tanzania and various Canadian government departments and agencies.

THE CAMPAIGN STRATEGY

In choosing a campaign strategy we had to consider the complexity of the issues and the legal, political, and economic factors that would affect the campaign. We considered the viability of such strategies as legal action in courts of law, popular mobilization through media and public information and public pressure, and lobbying of key decision-makers and institutions. And this had to be done in a way that would capture the local, national, and international dimensions of the project and that would have the most impact both locally and nationally.

We concluded that as far as Bulyanhulu was concerned, conditions for fair trial did not exist in the Tanzanian courts. We also considered options for court action outside Tanzania, particularly in the United States, where Barrick has extensive mining interests and its stock was listed in the New York Stock Exchange. We also considered Canada, where Barrick has its global headquarters and former executives of Sutton Resources live. This was agreed in principle, but filing a lawsuit in these countries would have been too expen-

sive without a contingency fee agreement or free legal aid by a public interest litigation group.

We then considered other forms of advocacy and focused on popular pressure through intense media campaign combined with lobbying. This approach had several advantages. Tanzania has a burgeoning free press with scores of daily newspapers. Our approach would be to put out as much information to as many newspapers as possible. This was less costly than going to court and had the potential to reach large sections of the population and draw the attention of decision-makers and key institutions both inside and outside Tanzania. It would also serve to attract more attention to the issues than a court-based strategy would likely accomplish.

THE ART OF WAR Attack When Least Expected

On the day the President of Tanzania was expected to officially open the Bulyanhulu Gold Mine, newspapers in Tanzania published LEAT's open letter to President Mkapa in which we asked the President to establish an independent commission of inquiry to investigate the allegations of the killings of artisans in 1996.

The timing of the open letter, the issues it raised and the sheer audacity of challenging the President in public over an issue he took particular pride in, all helped to spark a very lively national debate on the mining industry that is still going on to this day. In the days that followed, LEAT took every opportunity to highlight the Bulyanhulu issues in the media. In August, we opened another front by writing to the MIGA President, who is also the World Bank President, to urge MIGA to suspend its involvement in the Bulyanhulu Mine pending full and independent investigation of the 1996 events.

The internationalization of LEAT's campaign brought NGO support from the United States, Canada, and Western Europe. It also opened more opportunities to further deepen the campaign. There were media events and public meetings in these countries, in which LEAT was invited to present its case on Bulyanhulu. Meetings with government officials in the US, Canada, the Netherlands and the United Kingdom were organized by LEAT supporters in these countries. We urged these governments to support LEAT's demands. Legislators in the United States and Canada also brought pressure to bear. Questions concerning the Bulyanhulu events were asked on the floor of the Canadian House of Commons. Further, a ranking member of the Foreign Relations Committee of the House of Representatives of the United States Congress wrote to the MIGA President in support of LEAT.

Maintain the Initiative

It is of absolute necessity that the advocacy organization should control the initiative and maintain the offensive.

OPENNESS AND TRANSPARENCY EQUALS CREDIBILITY EQUALS STRENGTH

Credibility and honesty of purpose are often the strongest weapon in the arsenal of public interest organizations. A campaign with a hidden agenda or an axe to grind will soon be exposed and discredited. An advocacy organization must therefore strive to be as open and as transparent about its campaign as possible.

Be aware of Donors' Agendas

Public interest NGOs will always remain dependent on the philanthropic community and donors for much of the funding for their activities. The donors' interests and policies are not always altruistic or consistent with the interests or concerns of the advocacy groups or their constituencies.

Advocacy is a Dangerous Business!

In many developing countries in Africa and elsewhere, the laws and political practices that were the hallmark of the authoritarian single party or military regimes have tended to remain in the statute books and in the toolkit of the ostensibly democratic, multiparty regimes. As a result, advocacy groups that have challenged the status quo have often met with political repression and state-orchestrated violence or threats of violence. As far as the Bulyanhulu campaign is concerned, LEAT offices have been raided by police and its property seized; and its leaders have been harassed with arrests and prosecution on trumped-up charges of sedition.

This is a reality, the possibility of which other advocacy groups should be aware of and make plans to deal with. Forewarned is forearmed, as a saying goes, and advocacy groups will have to ask themselves the lengths to which they are prepared go in pursuit of their campaigns with the full knowledge of the likely consequences.

CURRENT STATUS

At the moment, the Bulyanhulu campaign is at a stage where it has acquired a momentum of its own. Dozens of environmental, human rights and social justice groups in Tanzania, Western Europe, and North America have joined LEAT's call for independent investigation of the Bulyanhulu allegations. In March 2002, these groups appointed a fact-finding team that traveled to Tanzania to assess the situation but was prevented from going to Bulyanhulu to meet with local communities in the area. The Compliance Advisor/Ombudsman for MIGA has since January 2002 been carrying out her own independent investigation of the allegations and traveled to Tanzania and Bulyanhulu in March for this purpose. And more recently, we have received indications that the Tanzanian Parliament might finally be getting interested in what happened at Bulyanhulu that August 1996.

SLAPPS IN THE UNITED STATES

Following are examples of how environmental and community advocates in the United States have been sued:

- A company requested permission from the local government to place an incinerator in a residential area. When local residents objected to the city council, the company sued them for "interference with contract." The citizens will have to spend time and money responding to the lawsuit in court.
- Members of a local community group faced a \$52 million lawsuit after circulating a letter questioning the ways that a local housing developer acquired property.
- An environmental activist was hit with a \$200,000 lawsuit for criticizing a coal mining company's activities that were poisoning a local river.
- A farmer was sued after testifying to his township supervisor that a low-flying helicopter owned by a local landfill operator caused a stampede that killed several of his cows.
- A community resident wrote a letter complaining about contamination of the local drinking water from a nearby landfill. She then spent the next five years defending herself against the landfill owner, who sued her for defamation and interference with contract rights.

States, where each party must usually bear to its own legal costs, regardless of who wins the case. These suits may be less common where plaintiffs who lose a case must pay all parties' costs.

Private businesses and government authorities bring different types of SLAPP suits. *Defamation* suits, for example, claim that the advocate has damaged the plaintiff's reputation by spreading falsehoods in writing (*libel*) or in speech (*slander*). SLAPP plaintiffs may also argue that advocates have invaded their privacy, interfered with their ability to do business, or even harassed them in some way. Plaintiffs can be very creative in formulating SLAPPs.

The best way to avoid being sued is to think about SLAPPs before they happen. When possible, advocates should take the following steps:

- Consider the possibility of a SLAPP before starting any public advocacy or organizing activities. The possibility of being sued is one of the many factors to consider when planning advocacy strategies. Consult with lawyers if they are available.
- An advocate should understand the scope of his or her rights to petition the government and to speak freely. Fully understanding these rights may require the assistance of a lawyer.
- Identify potential resources for fighting SLAPPs. Advocates should consider how they might raise funds to fight a lawsuit, seek attorneys who might be willing to represent them *pro bono*, and consult with organizations that may have already addressed these issues.
- Speak the truth. Whether the advocate is writing to a government representative or speaking on an issue of public importance, the advocate should always make sure that statements are factually correct. Advocates should keep copies of all background materials and note sources of any facts and figures quoted so that it can be shown where the information was obtained. It is important to understand the difference between statements of fact and statements of opinion. Advocates should be careful about what they say and how they say it. Truth of what the advocate has said is a defense to both libel and slander actions.
- Raise public awareness and support for the advocate's work.
- Work to get anti-SLAPP laws passed.
- SLAPP back. One response to a SLAPP is to counter-sue. In such a suit, activists usually claim *malicious prosecution*, meaning that suit has been brought without sufficient cause and with bad intent.

10.8 DE-REGISTRATION

Another technique used against environmental advocates is *de-registration*. De-registration is the act of canceling the registration of an advocate's organization from the official register of organizations. This is a powerful weapon, as NGOs and other organizations are required by law in many countries to be registered in order to operate.

De-registration can also be achieved by banning a citizens' organization or declaring its activities illegal. Decisions to cancel or remove the name of an organization from the official register is usually taken by a government in response to organized efforts that challenge the government's decisions or activities.

Governments sometimes attempt to de-register citizens' organizations, despite the existence of various constitutional provisions that guarantee citizens the right to establish and participate in organizations to further their interests. Many African constitutions have provisions that guarantee freedom of association, freedom of assembly, and freedom of speech. Usually, the response to de-registration is filing a court action against the government to enforce citizens' rights.

De-registration targets the right of free association, which is essential to all forms of advocacy. By forming and participating in non-governmental organizations, individuals can more effectively advocate for environmental protection. With the support of an organization and the strength of numbers, people are more likely to take an active role in matters of health and the environment. Organized citizens can speak with a single, clear voice and thus be more effective than individuals speaking alone. Similarly, organization allows citizens to share financial, technical, and other costs among members. As a result, they can participate collectively where it would be prohibitively expensive to participate individually. Finally, an organization can focus on an issue, drawing upon its members as needed, and enabling the members' interests to be advanced in ways that would be impossible for individuals to achieve on their own.

RESPONDING TO MORE EXTREME FORMS OF PRESSURE

Environmental advocacy is relatively new to many nations in Africa. As a result, advocates may find themselves challenging government activities and powerful individual and business interests that have not been meaningfully challenged in the past. Unfortunately, private interests and governments have sometimes responded to citizen opposition to their activities with extreme forms of pressure. Activists have been arrested, detained, and in extreme cases, even executed. There are also cases where law enforcement officials or other citizens representing business interests have been rounded up and beaten. The environmental advocate must remain ever aware of the risks of advocacy.

The more there is at stake for an advocate's opponents, the more likely they are to turn to illegal tactics to dissuade or silence him or her. As discussed above, one of the best forms of protection is to build strong ties with the community and other organizations, domestically and internationally. It is important to keep as many people and organizations as possible informed about an advocate's work and any threats that he or she may have received. In particular, media coverage of advocacy activities raises the public's awareness of the issues, so that if an advocate is threatened with harm, people may be more willing to rally to the advocate's defense. To the extent possible, advocates should maintain close contacts with colleagues and friends at the local, national, and international levels.

It may also be helpful for an advocate to be aware of any international donors to the advocate's country that can be contacted in the event of extreme threats or pressure. This

is particularly important when a donor organization, such as the World Bank, is involved in development projects in a country in which there are advocacy efforts. Governments may be swayed by the views of donors or international allies, and a cause that wins donor support or sympathy is more likely to be tolerated by the government. Knowing and contacting diplomats to speak on an advocate's behalf when, for example, they are facing arrest or detention, may also be useful.

OTHER RESOURCES

Southwest Network for Economic and Environmental Justice and Environmental Law Institute, *SLAPPs: A Guide for Community Residents and Environmental Justice Advocates* (1997). The mailing address for this organization is P.O. Box 7399, Albuquerque, NM 87194, USA.

APPENDIX

LIST OF ORGANIZATIONS AND NETWORKS WHOSE ACTIVITIES ARE REFERRED TO IN THE TOOLKIT

[Authors note: We are constantly looking to update and add to the information available in this Toolkit and we would especially welcome any case study submissions, environmental advocacy success stories (and failures), and any other suggestions or critiques you may have of this report. The contact information where such information should be sent is located on the Acknowledgements page]

Advocates Coalition for Development and Environment (ACODE), Uganda
 Basel Action Network (BAN), United States
 Botswana Community-Based Organization Network (BOCOBONET), Botswana
 Center for Human Rights and Environment (CEDHA), Argentina
 Center for International Environmental Law (CIEL), United States
 Centre for Environment and Development, Cameroon
 Center for the Support of Native Lands, United States
 Chesapeake Bay Foundation, United States
 Coalition for Peace in Africa (COPA), South Africa
 Communities for a Better Environment (CBE), United States
 Congress of South Africa Trade Unions (COSATU)
 Environmental Justice Networking Forum (EJNF), South Africa
 Environmental Rights Action / Friends of the Earth (ERA/FOE), Nigeria
 Essential Action, United States
 Great Lakes United, United States
 Greenbelt Movement, Kenya
 Greenpeace, Netherlands
 Groundwork, South Africa
 IUCN Southern Africa Sustainable Use Specialist Group (SASUSG), Zambia
 Kenya Forests Working Group, Kenya
 Kenyan Wildlife Society (KWS), Kenya
 Lawyers' Environmental Action Team (LEAT), Tanzania
 Livaningo, Mozambique
 National Association of Professional Environmentalists (NAPE), Uganda
 Natural Heritage Network, United States
 Nature Conservancy, United States
 Network for Environment and Sustainable Development in Africa (NESDA), Ivory Coast
 Pact, United States
 Pollution Monitoring Committee, South Africa
 Save the Vaal, South Africa
 Save Bujagali Crusade, Uganda
 Sierra Club, United States
 South African NGO Coalition (SANGOCO), South Africa
 Uganda Wildlife Society (UWS), Uganda
 World Association of Community Radio Broadcasters (AMARC), Canada
 WWF (formerly World Wildlife Fund), Switzerland