

## **NGO Workshop**

### **How can law and campaigns support each other?**

#### **Participants**

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**Workshop Part I: Wednesday 3.10.2007, 16.45-18.15 pm**

#### **How do legal avenues work out for NGO's?**

##### **Formulation of questions for the legal experts**

#### **Legal Avenues – Case Studies of Campaigns connected with legal concepts**

Participants mentioned the case examples of Pakistan (Bonded Labour Revolution Act), Indonesia, Norway, D.R. Congo and Argentina. In most cases NGO actions base part of their campaigns on expertises by legal scholars. It is stated as important, that the civil society does have an insight in the cooperation agreements between borrowers and lenders. The legal basis can be used to support actions of NGO's.

#### **Is a definition of Odious Debts (OD) possible?**

The definition of the concept is seen as part of the challenge. Sacks doctrine can help in campaigning and is useful for rethinking the debts. Other concepts like the UN-conventions on the right to development, on the right to a socio-economic development and the convention against corruption are as important as the OD-doctrin in campaigning for debt relief.

Participants mention the importance of pushing their respective national governments and convince them to deal with the subject of odious debts. More pressure has to be exerted on international institutions that they include the OD-concept in respective policies, e.g. ENP (European Neighbour Policy).

#### **NGO's work politically, legal scholars with legal argumentations**

OD have to be seen in a broader context than just in a legal sense, because the social crisis in many countries is caused by the pressure on debt reimbursement of the countries. Moral and legal aspects have to be linked and both are already taken into consideration in international agreements like the Convention on corruption. The OD-concept elaborated by legal scholars can be used by the NGO representatives for the campaigning. But the OD-doctrine is only one of several doctrines that NGO's can use for their campaigns. It is also possible to win a case with reference on the collective rights as the example of Argentina shows: The population argues with the collective right to an efficient health system as a reason why the reimbursement of the debts cannot be supported.

#### **Concrete proposals to push the UN? Are audits a reasonable proposal?**

Participants agree on the importance of elaborating common strategies to be applied on new cases. It would also be important to work out a strategy for audits on common characteristics of different cases. NGO's should continue to act on a national level, cases like Belgium or Norway show the effectiveness of pushing national governments or courts. Law agreements should always be tested before implemented in connection with loans.

**Concrete Actions and Proposals to the legal experts**

- testing of loan agreements
- Audits (WB, other audits)
- Evaluation of chances to develop the international law
- Push and act on a national level, elaborate common strategy (following example of Norway and Belgium)
- Elaboration of 10 general law principles as legal basis for NGO representatives

**Workshop Part II: Thursday 4.10.2007, 9.15-10.30 am**

**Actor Analysis (Opponents, Recipients, Core Group, Facilitators, Observers)**

<i><b>Opponents</b></i>	<i><b>Recipients</b></i>	<i><b>Core Group</b></i>	<i><b>Facilitators</b></i>	<i><b>Observers</b></i>
World Bank ADB All regional banks All banks Paris Club ECA's London Club	Society of Southern Countries Tax Payers World (ideal?)	Legal experts Illegitimate debt campaign (Nairobi, Rostock, ...) NGO's	UN (FFD) Norway Ecuador Parliamentarians International Court of Justice UNCTAD Human Rights Council Belgium Senate	WB Paris Club G8 (maybe divided different countries)

ADB: Asian Development Bank  
 ECA's: Export Credit Agencies  
 FFD: Finance for Development (UN-Conference)

**Difficulties with the Actor Analysis:**

- Definition of Categories
- Same actors can be located in several categories (e.g. Worldbank → opponent and observer)

**Action Analysis (Which steps shall the mentioned actors take?)**

(Actor	→ Action)
Legal experts	→ Help for Campaign; Peer review of the Study of Norway
Legal experts and NGO's	→ audit of the bank(s)
Norway / Ecuador	→ Studies shall be elaborated
Ecuador	→ Debt Commission (audit) shall be observed
Belgian Senate	→ Audit as case example
Illegitimate Debt Campaign and Norway	→ engaging debt movement

**Comments on the Actor Analysis**

The future work between legal experts and NGO representatives is seen as a unification of knowledge: NGO's propose concrete cases, the legal scholars analyse these and the NGO's finally implement the proposals from the legal scholars in their campaigns.

Participants of the Workshop highlight the importance of case studies (Belgium, Norway) which shall be followed and taken as examples for further cases. The analysis of different cases could also help to elaborate a code for responsible lending which could be applied for past and future projects in the field of loans. The building of a global audit would also depend on good documented case studies.

The elaboration of similar standards which can be applied to different cases should be the main focus of a common work with legal scholars. Another aspect is lying in the explanation of legal contracts between borrowers and lenders to the civil society. In this field, legal scholars are very useful for NGO's who do not dispose of the necessary knowledge to understand these legal contracts. On the other side the transparency of such contracts has to be guaranteed by government and lenders.

**Concrete Actions / Case Studies to be followed:**

- Austrian loan to Indonesia (hospital)
- Warship-selling from Germany to Indonesia
- Ecuador audit (process to elicit the debt situation)
- Haiti (financial and ecological debt)
- Pakistan (building of dams)