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BUILDING PRESSURE FOR CHANGE

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- *Advocacy and the role of philanthropic funders* •

ABSTRACT

The New Migration Law of 2017 was a historic win for Brazil. This moment of victory was the result of years of advocacy from various stakeholders of Brazilian civil society. The road was not an easy one, but the destination was worth it. As philanthropies routinely aim to build a better future, policy advocacy emerges as a clear cornerstone for achieving long lasting change. This article shares the lessons learnt from supporting Missão Paz and Conectas in their partnership to get the law passed. It outlines the role of philanthropic funders in going beyond investments to truly unleash the potential of collaborative action.

KEYWORDS

Policy advocacy | Philanthropy | Brazilian migration law

Throughout modern history, civil society organizations (CSOs) have demonstrated that policy advocacy¹ is one of the most effective means for transforming prevailing structural systems, attitudes and behaviours. That is because advocacy goes straight to the heart of where meaningful change happens: in the policies and laws that govern how we live, how we work and how we do business.

Never has this work been more important or urgent. In a world where ideological polarization, fiscal restrictions and social dysfunction prevail, the role of CSOs in fighting for justice and equality may prove more critical than ever. Philanthropic funders will need to play their part, too – providing vital funding and capacity strengthening support at a time when governments are fighting fires on several fronts in the wake of the Covid-19 pandemic.

As competing interests fight to be heard, CSOs can seize this moment to strengthen democracies. In addition to promoting greater transparency in public policy and legislative decision-making, CSOs spearhead the expression of social demands for justice and permeate state action in the defence and expansion of our rights. And much more than just driving changes in public policy, advocacy changes the system of democracy itself by expanding the participation and representation of groups that are often excluded from the political decision-making process.

Over the last decade, many CSOs have felt the need to refine their theories of change and the way they operate, finding in policy advocacy a more effective strategy for achieving systems change – getting to the root cause of issues instead of treating just the symptoms. Philanthropic funding organizations are increasingly realizing the value of supporting advocacy and the opportunity to turn this into action and strengthen the voices of the constituencies who most desperately need to see changes in political, economic and social policies.

1 • Hard-fought advocacy victories are a collaborative effort

Philanthropies and the CSOs they fund provide a critical counterpoint to corporate lobbyists. Across the world, corporate lobbyists heavily outnumber and outspend NGOs to get their issues onto political agendas. Despite this significant imbalance of resources, advocacy efforts are bearing fruit around the world. The European Commission recently committed to introducing mandatory human rights and environmental due diligence (mHRDD) legislation after years of pressure from CSOs. In the US, we are seeing once-radical ideas move into the political mainstream with the introduction of the proposed Green New Deal.²

In Brazil, the new Migration Law (Law 13,445/2017) passed in 2017 provides a compelling example of collective advocacy. Strong alliances between different social sectors, alongside

the mobilizing power of civil society, led to a historical victory that finally gives marginalized migrant communities a chance to achieve documented status in the country.

The lengthy process to construct and get the new Brazilian migration law passed is described in a publication promoted by Conectas³ and Missão Paz,⁴ both NGOs based in São Paulo, called *Foreigner, never again! Migrants as a subject of law and the importance of advocacy under the new Brazilian migration law*.⁵ Supported by Laudes Foundation, the paper provides a comprehensive review of the advocacy strategies developed by Brazilian CSOs and aims to serve as a source of inspiration and learning for other advocacy organizations working on migration policies and human rights issues in general.

The findings shared in the above-mentioned publication show above all that active and structured advocacy efforts do indeed have the capacity to influence the development of laws based on human rights – and can ultimately succeed in securing the approval of laws that ensure these rights. Of course, such victories are hard won. As advocacy involves being tied up with complex legislative processes, it is a time- and resource-intensive endeavour. Building strong relationships and alliances, developing strategies and specific approaches for different stakeholders, anticipating problems and designing a good communication plan all increase the chances of eventual success. Equally important is understanding the ‘rules of the game’: how state bureaucracy and parliaments function, how bills are processed and the dynamics of offices and leaders in government agencies.

CSOs are well-positioned to inform key decision-makers and advocate for stakeholders who may not have access to the policymaking process. In many cases, CSOs actively involve and are steered by the communities directly affected by the laws they seek to change. And, unlike bureaucrats or politicians, they closely monitor, critically analyse and work on the same issues for many years. In fact, policymakers often rely on the technical capacity and academic expertise of civil society to draft amendments, improve legal texts and develop plausible and feasible arguments to defend their points of view.

Such deep practical and historical knowledge of the migration issue lent legitimacy and credibility to negotiations with decision-makers in Brazil. The participation of community-based organizations such as Missão Paz, with its extensive experience in providing direct assistance to migrants since 1939, meant they could sway opinion by sharing compelling, real-life examples of the hardships migrant communities face. They combined this with Conectas’ vast experience influencing the Brazilian congress and its capacity for mobilization. Together, the organizations formed a formidable coalition with others in this space.

The development of a new legal framework for migrants is proof that the best public policies are built in a participatory manner that involves legislators and civil society representatives. If this social engagement is not valued, we end up having to live with inefficient public policies or even tragic situations, says Marcel Gomes, Director of Reporter Brasil.⁶

The migration law victory offers several lessons for successful advocacy:

I - Harness the power of communications

Powerful storytelling and accurate evidence enable CSOs to generate popular pressure around issues, especially through the effective use of the media. However, the publicity machine needs to be used intelligently and carefully so that public pressure does not render negotiations with key stakeholders unfeasible. A good communication strategy is fundamental to maintaining this delicate balance.

II - Negotiate with flexibility

Mapping parliamentary allies (and opponents) is another critical step if CSOs are to influence peers at key moments and develop counter arguments to defend their positions. While polar opposite views garner the most attention, in reality, due to the complexity of the legislative process, advocacy is always channelled in the direction of consensus and requires one to negotiate with clear goals but also with flexibility.

III - Build trusted, collaborative networks

In the fight for a fairer migration law in Brazil, CSOs optimized all opportunities to advocate in spaces of public dialogue. They used existing fora such as councils, committees, meetings and hearings, while also building their own through seminars, events, debates and conferences.

With so many potential points of engagement across state and society, advocacy needs to be a collaborative effort. The call for change has to be loud, convincing and come from all corners. The Brazilian migration law victory was fought for by a group of organizations that established a bond of trust and a network of support based on complementary expertise and areas of activity. Such alliances are key in sustaining energy over the long term.

What we learned from the Brazilian case study is that advocacy is a multifaceted process that is 'done by doing' – that is, in practice, by testing, learning and adapting. It is important to have clear principles and objectives, know where you want to go, negotiate tirelessly and work on several fronts at the same time. It is also necessary to be prepared for elements that emerge in surprising ways – such as the appropriation of issues by opposing interest groups⁷ – and understand how to interpret and 'play' political chess using institutional and personal elements. And all of this needs to be done in partnership with other organizations and committed stakeholders.

2 • Improving the role of funding philanthropies

Civil society has accumulated a lot of learning, which makes CSOs, social movements, worker organizations and academics, among others, powerful allies in the formulation of

laws and public policies. Philanthropic organizations, such as Humanity United, the Laudes Foundation, the Ford Foundation and the Rockefeller Foundation, are a critical part of this picture and are learning all the time. Supporting advocacy efforts in different parts of the world and across sectors such as fashion, finance and the built environment offers valuable opportunities for the Laudes Foundation and its partners to observe, measure and reflect on the role of philanthropies in the advocacy process.

What do these experiences tell us about how philanthropies can best fulfil their supporting role?

First, it is essential to accept that advocacy is not a smooth and easy journey for bringing about change. Understanding the policy landscape and how and why advocacy can help a philanthropic organization accomplish its mission should be a foundational aspect of any funding strategy. Choosing an approach to advocacy is also important. A key question to ask is: is the strategy grounded in convening key stakeholders, facilitating others, producing research, conducting direct advocacy or a combination of tactics? Aligning the organization behind the goals and the strategy is key to navigating complex systems change and advocacy processes.

But even with a clear and pragmatic strategy to achieve a desired goal, milestones and measurements of success need to be flexible. Advocacy goals are usually long-term, but progress is incremental, gradual and uneven. Setbacks are an expected part of the journey given that the political, social and economic context is impossible to control. Policymaking processes themselves are also complex, with varying points of potential impact along the way. All funding strategies should be adaptable. Philanthropies need to demonstrate trust in partner organizations, as tactics and even objectives may change depending on the opportunities and challenges that arise.

While it is easy to count the value that philanthropies bring to the advocacy process in dollar signs alone, there is so much more than direct financial support that they can do to build capacity. Offering advocacy-related training and technical assistance and featuring advocacy grantees through communications are all genuine value-adds. Philanthropies also have access to expertise and resources that can support specific services, such as policy analysis, evidence building, legal services and helping to build supporting public narratives that favour partners' positions in policy discussions.⁸

Philanthropies can play a role in building networks, cultivating alliances and convening key stakeholders too. Such exposure can help grantees build coalitions and credibility with leaders in the public and private sectors, which, in turn, increases their influence, the effectiveness of their advocacy efforts and their fundraising opportunities. When multiple organizations from different movements aim for a common goal together, it can be far more effective than divergent or opposing objectives pulling in different directions. It also brings healthy debate and different tactics to the advocacy strategy. Philanthropic funders can encourage constructive dialogue and collaboration among advocacy organizations and support groups or joint activities to minimize competition for

resources. Such efforts tend to be most effective when encouraged through relationship building and networking, rather than mandated through grant-making.

Finally, it is critical to expand the capacity of advocacy organizations and trust that they are best placed to know where resources need to be allocated to increase their effectiveness. Multi-year, unrestricted funding models allow CSOs to expand their expertise and build their advocacy capacity in incremental steps while adapting to changes along the way. Of course, in certain situations, it may be preferable to support advocacy through grants for a specific activity, such as the production of a report on a specific policy issue. In such instances, both partners and funders need to be crystal clear on the commitment – and have an exit plan in place.

When all is said and done, supporting advocacy may involve many elements depending on the time horizon, geography or social and political context. And the complexity of changing policy means that victories cannot always be easily tied back to a specific alliance, strategic move or moment in time.

So, how do you measure success? Does it lie only in a change of policy or law or does it include a broader sphere of influence such as changes in discourse, use of research outputs by decision-makers and co-ownership of policy goals by different stakeholders? And what happens when a law or policy does change? We are learning more about this from our partners as we move forward. What is already clear is that funders need to stick with CSOs in the long term to support monitoring, implementation and the effective use of legislation to bring about changes in real-world scenarios.

3 • Conclusion

Advocacy, and the process of supporting it, is complex, and there is no manual on how it should be done. However, there are lessons and points of attention that can help CSOs and philanthropies advance their advocacy objectives together.

The experience of many philanthropies, including that of the Laudes Foundation, shows that maintaining ongoing, open and trust-based relationships with partners can help align expectations from the start and encourage partners to develop realistic ambitions in a way that reflects the environment in which they operate. At the Laudes Foundation, we continue to improve and develop our approach through regular conversations with partners individually and in groups throughout the grant lifecycle. We also engage and consult partners during key moments of the foundation's development, especially when developing strategies and refining grant-making processes which directly impact the partnership (such as monitoring, evaluation and learning guidelines). For example, at the Laudes Foundation, we developed a rubrics-based methodology to help us build collaboratively with our partners an understanding of our contribution to system

change in complex environments.⁹ The rubric system has helped us balance the unequal power dynamics of monitoring and evaluation processes, bringing more authenticity, transparency and real learning between Laudes and partners.

Furthermore, for the grant-making experience to be a learning process, philanthropies need to create a safe environment where grantees feel comfortable communicating the challenges they face and where philanthropies can adapt and share lessons with peers. In other words, advocacy support needs to be much deeper than the pockets of funding philanthropies.

NOTES

1 • Advocacy can be defined as the act of speaking up on behalf of an individual, group or cause to bring about a change in policies or practices in their favour. Source: Reforma Laboral para Todos, Homepage, n.d., accessed September 1, 2021, <https://reformalaboralparatodos.mx/>.

2 • For information on the European Parliament vote in March 2021 that passed, by a large majority, new EU laws requiring companies to conduct environmental and human rights due diligence, see: “MEPs: Companies must no longer cause harm to people and planet with impunity,” European Parliament, March 10, 2021, accessed September 1, 2021, <https://www.europarl.europa.eu/news/en/press-room/20210304IPR9216/meps-companies-must-no-longer-cause-harm-to-people-and-planet-with-impunity>. The initial commitment to adopt legislation was made in 2020 by the European Commissioner for Justice. “European Commission promises mandatory due diligence legislation in 2021”, Business & Human Rights Resource Centre, April 30, 2020, accessed September 1, 2021, [https://www.business-humanrights.org/en/latest-news/european-](https://www.business-humanrights.org/en/latest-news/european-commission-promises-mandatory-due-diligence-legislation-in-2021/)

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3 • Conectas Human Rights, Homepage, n.d., accessed September 1, 2021, <https://www.conectas.org/en/>.

4 • Missão Paz, Homepage, n.d., accessed September 1, 2021, <http://www.missaospaz.org/home>.

5 • Ebenézer Marcelo Marques de Oliveira and Cyntia Sampaio, “Estrangeiro, nunca mais! Migrantes como sujeito de direito e a importância do advocacy pela nova lei de migração brasileira.” Conectas, 2020, accessed September 1, 2021, https://www.conectas.org/wp-content/uploads/2021/03/Estrangeiro-Nunca-Mais_Livro-Lei-de-Migracao1.pdf.

6 • An interview by the Laudes Foundation conducted over email on May 5, 2021.

7 • One example related to the new Brazilian migration law is the simplistic appropriation of themes related to migration by xenophobic political groups opposed to the human rights community.

8 • William and Flora Hewlett Foundation and Ford Foundation are both examples that have

invested in network building to enable coordination between organisations through providing expert consultants and meeting spaces. Loren McArthur, "Four Promising Practices for Philanthropies to Advance Advocacy and Policy Change." The Center for Effective Philanthropy, May 30, 2019, accessed

September 1, 2021, <https://cep.org/four-promising-practices-for-philanthropies-to-advance-advocacy-and-policy-change/>.

9 • "Measurement and Learning Approach," Laudes Foundation, n.d., accessed September 1, 2021, <https://www.laudesfoundation.org/grants/rubrics>.



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