

## Conducting legal analysis to improve Mauritania's Law of Associations

As part of the [INSPIRES project](#), Flexible Response Funds (FRFs) are designed to provide USAID missions and partners with easily accessible and flexible support in the form of technical assistance and subgrants to local organizations that can help address urgent and emerging threats to civic space.

In **Mauritania**, ICNL responded to a request for support from the US Department of State to conduct legal analysis of the then current law governing associations. While reviewing the current law, ICNL received a request directly from Mauritania's Human Rights Commission to review a new draft law with a very short deadline and thus shifted work to instead reviewed the new draft law. While an improvement on the previous law, the draft legislation had areas of concern as it appeared to criminalize informal associations and was overall restrictive.

Engaging with the Department of State, the US Embassy (including the USAID Country Manager at the Embassy), and the Human Rights Commissioner in Mauritania, ICNL was able to translate, review and provide several rounds of comments and recommendations on the draft. They also provided talking points for a high-level dialogue on the issue between the US ambassador and Deputy Assistance Secretary of African Affairs, meeting with Mauritania's Human Rights Commissioner.

In this summary brief, we share learnings and lessons from key informant interviews and document reviews for these activities.

### Outputs and Outcomes

Based on evidence from key informant interviews as well as documentation from partners, ICNL's work through this FRF contributed to several key outcomes.

**An improved law was successfully passed which included ICNL's recommendations.** The primary objective of this FRF was to contribute to a better law of associations in Mauritania that removed restrictive measures placed on civil society, and there is strong evidence that ICNL's activities contributed to achieving this objective. Partners noted the final law (adopted Law No. 2021-004 of 2021 on Associations, Foundations, and Networks) included ICNL's suggestions verbatim and was far more enabling than it would have been without the FRF activity.

**The law helped Mauritania demonstrate progress in creating an enabling environment for civil society.** Mauritania had been sanctioned for trafficking in persons, falling from a Tier 3 to Tier 2 country according to the United States State Department Trafficking in Persons Report. It was only removed from this status in 2021. The Law of Associations was an important factor for Mauritania to demonstrate an enabling environment for civil society.

USAID operations in Mauritania were stalled and extremely difficult when the country was sanctioned, resulting in Mauritania losing much funding support. This law formed part of Mauritania's evidence that they should once again be eligible for State Department benefits, particularly under the African Growth and Opportunity Act. The activity helped enable the country to enjoy regular assistance from the US government again.

**The improvement of the legal environment for civil society in Mauritania serves as a positive example for the region.** Passing a legal framework that allows for civil society to exist and form associations provides a positive example for the wider North Africa region of a country with a strong law allowing civil society to operate safely. It

provides the State Department with an example of a legal framework to implement elsewhere as needed.



*"It is always helpful to have an example of a country with a good law as it allows us to be able to say to other countries in the region, 'Mauritania just did it. You can do it too'."*

- Key informant interview, February 2023



**Helping and Challenging Factors.** Key informants were asked about factors perceived to help or hinder this work. These factors have been clustered using a 'people, place, process' framework where (i) 'people' refers to project partners, funders, and stakeholders, including individuals, organizations and institutions; (ii) 'place' refers to the external context including political, economic, and social factors, international influences, as well as any natural or man-made situations; and (iii) 'process' refers to the structures, timelines, resources, and design features relating to the project, including those within and outside of implementer control.

Understanding these factors can help support the implementation of future activities.

**Helping factors** include:

#### People

- **The US Embassy** prioritized this work and carried out the diplomatic engagement required.
- **Mauritania's Human Rights Commissioner** was deeply engaged and championing this activity within the country government.
- **ICNL's expertise** was key to delivering the successful outcome of this FRF.

#### Place

- **Recent elections and political will.** Mauritania had recently held elections, and a new liberal government had come into power at the time.

#### Process

- **Opportune timing.** The Human Rights Commission had engaged with Freedom House in October 2019, and the new draft law was released in early 2020. As a result of this existing connection, ICNL had been recommended and contacted directly for this activity.
- **Existing USAID approval.** ICNL had pre-existing approval to work on the law in Mauritania, allowing them to begin work on the law immediately.
- **Timely response to a specific need,** which in-country State Department staff felt created a ripple effect for their offices.

**Hindering factors** include:

#### People

- **Lack of existing partners in Mauritania** meant it was difficult to engage local civil society and gather their inputs.

#### Place

- **COVID** delayed the passing of the law. ICNL sent their comments in February 2020, and the legislation was on hold as COVID hit soon after.
- **Challenges operating in the country.** Partners noted it is difficult to "find an in" with civil society in the country, as well with the government and other institutions. Many fissures and tensions both within civil society, as well as between civil society and the government, make engagement harder.

#### Process

- **The lack of time** also meant ICNL was focused on technical assistance and was unable to invest in travelling to Mauritania or engaging in capacity-building or building relationships on the ground.
- **Limited visibility across different State Department offices in the Nouakchott.** One partner reported that while the work was greatly successful, their office felt somewhat removed from the activity due to this being an interagency engagement, and they would have liked to be more involved.

For more information about this FRF, please contact: [info@inspiresconsortium.org](mailto:info@inspiresconsortium.org).