

Advocacy in NGO law - CEE and NIS examples

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Context analysis (NIS)

- ❑ Restrictions on Freedom of Association and other fundamental freedoms
- ❑ NGOs seen as suspicious, a threat
- ❑ NGO sector weak & fragmented
- ❑ Media serving government interests
- ❑ Public not interested
- ❑ ...

Recent Laws Restricting Civil Society – NIS

- ❑ Russia
- ❑ Kazakhstan
- ❑ Uzbekistan
- ❑ Tajikistan
- ❑ Belarus
- ❑ Moldova

Russia

- ❑ 2005 Tax Code Amendments
 - Restrictive provisions eliminated
 - Preferences relating to human right protection added
- ❑ 2006 NGO Law
 - Original Draft had been improved 80%
 - However, remains restrictive
- ❑ 2007 Law on Endowments

Kazakhstan

2005 - Preventing Two Restrictive Anti-NGO Draft Laws:

- ❑ *On Foreign and International NGOs in Kazakhstan*
- ❑ *On Amendments to Some Legal Acts on NGOs in Kazakhstan*

How Did it Happen?

- ❑ Learning about government's agenda
- ❑ Coalition of Russian NGOs
- ❑ Finding allies within government and parliament
- ❑ Engaging international stakeholders
- ❑ Utilizing comparative law research to build up arguments

Context analysis (CEE)

- ❑ Fundamental freedoms guaranteed on paper but not fully respected
- ❑ Democratic institutions weak
- ❑ High level of corruption
- ❑ Fiscal restrictions due to economic downturn
- ❑ NGOs seen as irrelevant
- ❑ NGO sector weak & fragmented
- ❑ Media serving political party interests
- ❑ Public not interested
- ❑ ...

Recent Advocacy Efforts of Civil Society – CEE

- ❑ Adoption of NGO law – Serbia, Kosovo, Macedonia
- ❑ Adoption of foundation law – Croatia, Hungary
- ❑ Financing of NGOs – Hungary, Croatia, Macedonia, Bulgaria
- ❑ Participation of NGOs in decision-making and in EU policy making – Romania, Hungary, Macedonia, Croatia, Balkan region

Learning points based on advocacy efforts in NIS and CEE

Setting up a clear and realistic goal

- ❑ Minimum – e.g. getting rid of most harmful provisions
- ❑ Maximum – e.g. avoid adoption of the law
- ❑ Short term and long term goals
- ❑ Other goals: dismissing government official, preventing and stopping bad implementation practices, etc.

Power-mapping

- Who has authority? (formal and informal)
- Who has influence over decision makers?
- Who are affected by the law?
- Who will be our potential allies?
- Who will be opposed?

Decision makers

- ❑ No legislation can be changed without the parliament and/or government
- ❑ Learn about the government's agenda: why it proposes the law, what problems it is trying to address (declaratory and real)
- ❑ Learn about related governments' agendas.
- ❑ Identify government bodies and officials who are decision-makers.
- ❑ Identify the specific government body and the official(s) in charge and learn everything you can about them.
- ❑ Sometimes you can identify unexpected allies within government and parliament if you manage to match their interests and needs with your agenda.

Allies among decision-makers

- ❑ Government is not a “monolith” - it all comes down to people.
- ❑ Find allies among the government, parliament, and other decision-makers, and/or
- ❑ Find allies among other stakeholders who can influence decision makers (business, certain NGOs/GONGOs, media, international organizations and other governments).

Allies among peers

- ❑ Need to find and engage those affected by the laws.
 - NGOs, various interest groups, businesses, vulnerable people etc.
- ❑ Agree on roles and responsibilities in the coalition; be ready to compromise.
- ❑ Building a coalition requires effort but is worth it.

Developing a message

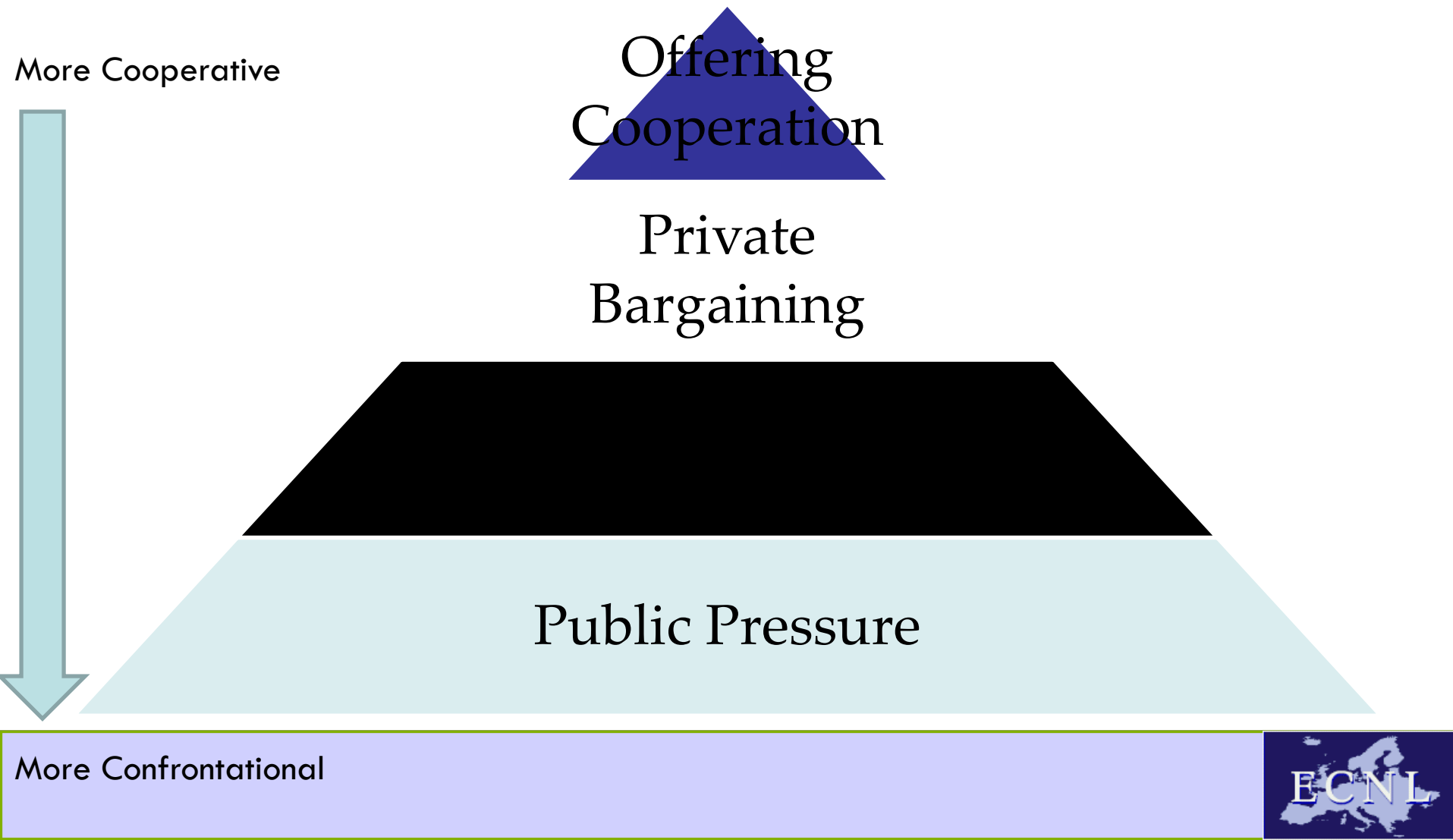
- ❑ What action is needed?
- ❑ Why – argumentation is key!
- ❑ Although you may think your message is the same, the way it is crafted has to be tailored to what your audience is ready to hear.
- ❑ Always be truthful, but remember that how your message is delivered (and by who!) matters
- ❑ Most advocacy messages have two components:
 - An appeal to what is “right”
 - An appeal to the audience’s self-interest

Developing a message

Example from Hungary:

- ❑ Government took away 50% of financing from NGOs running disability services, while it maintained the level of financing in its own institutions
- ❑ Instead of rights-based arguments, the central message was:
- ❑ “10,000 citizens are worth only half than the others to the government”

How Can We Get Them To Hear It?



A mix of advocacy tools

- ❑ Policy work (do the job for the government...)
 - Research, impact assessment, policy alternatives
- ❑ Direct and indirect lobbying
- ❑ International pressure
- ❑ Strategic litigation (domestic and int'l)
- ❑ Strategic work with the media
- ❑ Public awareness raising (creativity!)
- ❑ “Grassroots” advocacy (internet!)
- ❑ Petitions and demonstrations



Are you watching Poznan?

UN Climate conference, Poznan, 1 - 12 December 2008



Setting up an action plan

- ❑ Find the text of the law
- ❑ Try to make sure that you can follow changes to the draft
- ❑ Learn about the legislative process and timing and plan your campaign accordingly
- ❑ Do not fight institutions, fight people
- ❑ Be creative; whenever possible, go outside the experience of your opponent

Thank you!

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