



LESSONS LEARNED FROM COLLABORATIVE ADVOCACY between OSEPI and foundations

1. Moldova, Ukraine and Georgia: anti-discrimination legislation
2. Moldova: repeal of a repressive anti-propaganda law
3. Armenia, Georgia, Moldova, Ukraine: EU Integration Index
4. Burma: rights as condition to lift sanctions
5. DR Congo: M23 crisis
6. DR Congo: presidential election
7. Italy: Roma and migrants
8. Hungary: rollback of democracy
9. Albania: exit from crisis, towards the EU
10. Uzbekistan: forced labour in cotton campaign

THE META LESSON: successful advocacy is the result of collaboration, multi-level strategy and use of evidence.

1. Goal: Adoption of anti-discrimination legislation in Moldova, Ukraine and Georgia.

Why EU advocacy? EU visa liberalization is a major ambition of all three countries. OSEPI succeeded in including the adoption of anti-discrimination legislation among the essential conditions for the countries' progress towards that end.

Advocacy activities: OSEPI worked closely with the local foundations. We supported local civil society coalitions and brought them to Brussels, offering analysis of draft legislation and the adoption process. The Moldovan foundation produced a report on local perceptions of discrimination that showed discriminative practices were widespread. This advocacy effort also included the Human Rights Initiative in Budapest who recruited an expert to assess the countries' legislation. This analysis became a central element for advocacy in Brussels. In cooperation with the foundations, OSEPI provided comments to the EU on the quality of proposed legislation.

Outcome: The work was carried out over three years. The proposed anti-discrimination language became part of EU conditionality. OSEPI also ensured that the EU set clear parameters for the legislation: it needed to be "comprehensive", i.e. inclusive of all definitions and practices of discrimination; and it needed to provide for an "effective" implementation mechanism. This gave civil society the leverage to seek strong legislation on the issue. Anti-discrimination became a priority issue within the human rights dialogues between the EU and these three 'Eastern Partnership' countries. In Moldova, and most recently in Georgia, it has helped bring good quality anti-discrimination laws.

Lessons learned: In shaping this advocacy campaign, OSEPI drew on lessons learned in the Balkans, where broad and general conditionality on anti-discrimination led to ultimately flawed legislation that did not offer effective protection. This campaign worked better because it used EU leverage on specific rather than general issues produced, and it combined advocacy in Brussels with consistent advocacy engagement by the foundations with national governments in a twin-track strategy.

2. Goal: Repeal of a repressive anti-propaganda law in Moldova.

Why EU advocacy? The foundation in Chisinau discovered that an anti-propaganda law that discriminated on the basis of sexual orientation had been fast-tracked through the Moldovan parliament. Campaign partners demanded that repeal of this legislation be included in the EU's conditionality under the Visa Liberalization Action Plan (VLAP).

Advocacy activities: OSEPI and the foundation developed an advocacy strategy on how to repeal the law. They reached out to local groups specialized in the issue, as well as international partners in Brussels such as International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Human Rights Watch and Amnesty International. George Soros supported the campaign and raised the issue in meetings with the Moldovan Prime Minister.

Outcome: OSF's interpretation that the law violated anti-discrimination requirements under the VLAP, was adopted by the EU. After initial adoption in May 2013, the law was repealed by October 2013.

Lessons learned: The advocacy response was coordinated, working simultaneously at high level (GS) and with local and international civil society groups, resulting in a quick and measurable impact.

Similar work is still going on in **Ukraine**, where an anti-propaganda bill was passed in first reading in 2010. OSEPI has partnered with the foundation and local human rights organizations, bringing experts and activists to Brussels to brief the EU, including within the EU-Ukraine human rights meetings. As a result of these interventions, the law became the number one issue on the EU's agenda for the subsequent discussions with the Ukrainian government. The legislative process is currently in hiatus and the bill has not passed to second reading yet.

3. Goal: Create a monitoring tool to provide incentives and additional pressure to the six Eastern Partnership (EaP) countries to compare and compete on progress, and fulfil reform commitments.

Why EU advocacy? The EU's Eastern Partnership policy offers greater political and economic integration to its eastern neighbours in exchange for reform. The Index provides an independent and comparative assessment of progress.

Advocacy activities: The index is a collaborative initiative between OSEPI and four national foundations (Georgia, Ukraine, Moldova, Armenia). It serves as a speedometer for European integration for the Eastern partners. EU advocacy based on the index helped strengthen EU conditionality, improve the quality and relevance of EU reform requirements and reinforce the impact of the EU's assessments in the countries concerned. The analysis is produced jointly with the national foundations and regional experts, with OSEPI playing a leading role in drafting the final product. The index is launched every year in Brussels with high-level EU officials where assessments are compared.

Outcome: Before the launch of the Index, OSEPI negotiated and agreed with the EU on the need for such independent civil society monitoring of reform progress to inform the European Commission's own evaluation of the six partners. The index then became a central reference-point for the assessments that

the EU carries out within its own annual Progress Reports. Due to its impact on EU decision-makers, the index has also become a powerful tool for advocacy at national level, and offers ammunition to civil society organisations in Georgia, Ukraine, Moldova and Armenia to pursue policy change.

Lessons learned: The index fills an information gap and acts as a multiplier for that information. The two pre-requisites are a credible EU policy to use as a benchmark and active national foundations and partners to help compile the tool and then use it.

4. Goal: The EU supports the Burmese transition but maintains the rights commitments that were requirements for lifting sanctions.

Why EU advocacy? Good relations with the EU are crucial to Naypyidaw's bid for international legitimacy. The EU saw a strategic opportunity in the opening of Burma/Myanmar to advance transition and trade ties, but is also required to engage according to its own standards of respect for rights and the rule of law.

Advocacy activities: OSEPI's activities were guided by George Soros' early interest and engagement on Burma, and our realization that the EU would be a useful partner. The campaign was built on a regular set of conversations with the EU leadership on Burma. The Burma Project remained the anchor to the advocacy, with colleagues in Yangon and New York advising on conditions on the ground and policy options. OSF individual and organizational grantees in various constellations stayed engaged with OSEPI as we advised the EU on its approach. This included civil society coalitions and co-writing a policy brief calling for caution in the EU's approach.

Outcome: The transition has been remarkable, but engagement with the Burmese government has not been commensurate with the speed of reforms or respect of human rights. Normalization of diplomatic relations moved faster than most international actors were comfortable with, given the number of political prisoners still not released. The advocacy work gave more reasons for caution throughout the process. A new human rights dialogue with the EU in May 2014 will raise human rights and minority protection issues again, but may not be enough to secure any serious implementation of rights commitments.

Lessons learned: George Soros was a vanguard for western philanthropic, and then diplomatic and private investment in Burma. However, outsiders did not necessarily see the differences between his personal and business engagement, and the work by OSF. We gained access to decision-makers at the highest level, in both Naypyidaw and Brussels. However, the speed of change in Burma and OSF's reaction to it left some of our traditional partners behind. This is an opportunity cost of advocacy and requires delicate handling. Progress on human rights in the country did not match the initial enthusiasm for engagement.

5. Goal: The EU leads a coordinated international response to the M23 crisis in eastern Congo in Spring 2012.

Why EU advocacy? The EU, both through its institutions and member states, has strong links and investment in DR Congo. This provides some leverage on the ground with Kinshasa but also a strong voice in international fora.

Advocacy activities: When the M23 rebellion began in eastern Congo, OSF helped lead an advocacy movement for a coordinated international response from the UN, EU and the US, including the appointment of Special Envoys. The campaign worked at three levels: national, facilitated by OSISA staff; continental, facilitated by AfRO's African Union Advocacy Director; and international by OSEPI and OSF-DC. In Brussels, OSEPI and AfRO facilitated advocacy by OSISA colleagues and partners. OSEPI briefed the European Parliament for their emergency resolution on DRC that included OSF's view on the interplay of national and international dimensions to the crisis, including on Rwanda's role.

Outcome: Work with Congolese and international civil society resulted in a number of demands that were included in the drafting of the Peace, Security and Cooperation Framework signed in February 2013. The advocates continue to work with the offices of UN Special Envoy Mary Robinson, EU Great Lakes coordinator Koen Vervaeke, and US Special Envoy Russ Feingold to monitor its implementation. The Netherlands, UK, Sweden, Germany and the EU suspended budgetary aid to Rwanda (while the US suspended some military assistance). Combined, these pressures helped to change the course of Rwanda's policy.

Lessons learned: OSF advocacy can be very effective when it is layered at national, regional and international levels. Our structures allow this to happen, but communication has to be intense. The foundation is the catalyst for the international and regional advocacy. It is their assessment of the need for advocacy beyond the national level that initiates the additional layers. When foundations decide that frontline advocacy at international level is not needed on an issue, then international advocacy offices maintain a watching brief that includes highlighting future advocacy opportunities for the foundation to respond to.

6. Goal: Improve the EU's response to the presidential election cycle in DR Congo.

Why EU advocacy? The EU provides technical assistance, election monitors and post-election affirmation of elections. This leverage can be used with local and national bodies.

Advocacy activities: OSEPI works closely with OSISA to complement their local programming on elections. International governments failed to play a constructive role in the 2011 presidential elections. The intention is to ensure that is not repeated in 2015 elections. Both the US and EU Great Lakes envoys have communicated their objections to the prospect of a constitutional reform that would grant a third term for President Kabila. We seek continued pressure on the electoral commission to prepare well, and to increase donor coordination so that assistance is delivered in time. In Brussels, OSEPI contributes to the post-elections mid-term review (by the European External Action Service) and is engaging with relevant MEPs. OSEPI, AfRO and OSISA are preparing to support local observation of the elections and possible advocacy responses.

Lessons learned: Good information and policy advice influenced officials, but also had an impact on the institutional actors working on elections in the country. When country-specific advocacy crosses into thematic policies (i.e. on elections as well as on DRC policy), it's a sign that OSF has impact on the ground as well as in Brussels.

7. Goal: Desegregation of Roma camps and migrant detention centres in Italy.

Why EU advocacy? Since 2009, the Italy grant-making program and Justice Initiative have been working through grant-making and national advocacy to disband segregated Roma camps and reduce detention of migrants in Italy. From the outset, both programs realised that they could use EU and Council of Europe (CoE) institutions and law to pressure the Italian government to abandon discriminatory measures and the excessive use of detention.

Advocacy activities: OSEPI drafted a series of briefings and advocacy meetings between grantees/national advocates and EU/CoE officials. OSEPI and JI coordinate a network of international and national NGOs pressuring the Italian government and EU institutions for the desegregation of Italian Roma camps.

Outcomes: In 2012, the European Commission opened a ‘pre-infringement’ procedure against Italy alleging that state measures were discriminating against Roma. An infringement procedure targeting migrant detention centres is to be launched in 2014. Six detention centres for migrants were closed in 2013 and there are plans to amend legislation on the length of detention.

Lessons learned: This case shows how advocacy and technical expertise and facts and contacts on the ground are mutually reinforcing. OSEPI supplied technical advice on the use of EU law and to build an international advocacy coalition, and the case for EU action was built through first-hand information and direct contact with national actors provided by OSF programs on the ground. This combination built the credibility of the advocacy and the strength of the argument.

8. Goal: the Hungarian government reverses or refrains from introducing reforms that weakened the rule of law, media freedom and equality.

Why EU advocacy? The Hungarian government was very sensitive to criticism from the European Commission and European Parliament. Both institutions have the means to trigger sanctions of varying severity against Hungary.

Advocacy activities: OSEPI placed grantees of OSIFE’s Hungary Project in direct contact with officials in the Commission and with MEPs; advised these grantees on the best format and timing for delivery of information; and advised grantees on substantive points of EU law that they could use.

Outcomes: The efforts of OSEPI and OSIFE grantees led to a more robust response from the EU. Apart from the Hungarian government itself, the EU had no other English-language sources of information or expertise about the government’s reforms. OSEPI facilitated a meeting between MEPs and grantees during a country visit. The European Parliament’s report on Hungary, although not legally binding, was the first ever to single out an EU member-state for criticism, and it received cross-party support. The Commission maintained the threat of sanction over Hungary, which led to some small changes, for example, a reversal of some rules that threatened judicial independence.

Lessons learned: Key ingredients of success were two visits to Hungary very early on by OSEPI to gather evidence from national grantees, and continuing communication between Brussels and Hungarian grantees to use opportunities for input to EU-level debates. National grantees were not previously

aware of how to access the EU, nor of what the EU could do to exert pressure on Hungary, so the two-way dialogue helped to build their knowledge of the EU and contacts with officials.

9. Goal: Albania moves beyond its political impasse and towards EU integration.

Why EU advocacy? For Albania to achieve a closer relationship with the EU and advance towards eventual membership, the European Commission has to recommend that the Council grants candidate status to the country. EU integration is a central goal of Albanian foreign policy under all governments.

Advocacy activities: OSF made consistent efforts to push US and European policy-makers to address the political crisis from 2009 to 2012 when the opposition Socialist Party of Edi Rama boycotted parliament. What was initially crisis advocacy became a more campaign as the political tensions continued throughout that period. OSF was most active at three points: in the aftermath of the 2009 elections, when the then opposition cried foul, boycotted parliament and staged a hunger strike; in 2011, after local elections and the disputed results in the municipality of Tirana; and after violence at a demonstration in 2012. Advocacy included meetings with the Commission and EU leaders, from the regular annual consultation cycle by the Commission to wider outreach in the European Parliament, member-states and NATO. OSF commissioned a report on Albania from the foreign policy think-tank, FRIDE, and one on elections from the European Stability Initiative. There was also a (failed) effort to construct a contact group of well-known people to advocate for Albania. Those involved in the advocacy included OSF-DC, OSEPI, George Soros and Ivan Krastev.

Outcome: The eventual election and current period of relative stability resulted from multi-level approaches by many OSF actors. Albania is now on track for the Council to approve candidate status in June 2014.

Lessons learned: There was a core group of senior advocates with high-level access, mobilized at the right time to have an impact. OSF was often on the side of the opposition. While that was the right place to be from a rights and democratic standpoint, OSF became associated with the Socialist Party, which undermined our credibility both in Tirana and Brussels. In the end, however, the consistency of our position and events on the ground (improved communications coming out of the Socialist Party and continued bad behavior by the Democrats) helped swing policy around.

10. Goal: Uzbekistan ends the use of forced labour in its cotton industry.

Why EU advocacy? EU is the largest importer of Uzbek cotton after China, Bangladesh and Russia. Uzbekistan benefits from preferential access to the EU market under the EU's Generalised Scheme of Preferences (GSP), which gives the EU considerable leverage.

Advocacy activities: The campaign against the use of forced and child labour in the Uzbek cotton industry was initiated by OSF in 2004 - the same year the national foundation in Uzbekistan was shut down by the government. The last Executive Director of the Uzbek foundation, Alisher Ilkhamev, played a central role in initiating and developing the cotton advocacy. (Alisher fled the country after the foundation was closed; since then he has been Program Manager for Uzbekistan at OSF in London, engaging on the cotton issue.) Gradually, the cotton campaign has developed into an unusually broad coalition that includes international and Uzbek NGOs, trade unions, socially responsible companies, and

business associations. As the campaign grew, OSEPI got actively involved in it and led the coalition outreach to the EU institutions.

Outcome: The main highlight of the EU advocacy came in December 2011, when the European Parliament by a nearly unanimous vote (603 to 8) rejected an EU-Uzbekistan textile protocol introduced by the European Commission. The Parliament also asked for a suspension of Uzbekistan's preferential access to the EU market (GSP) in case of no progress. The EP veto definitively placed the cotton issue high on the EU's agenda – the EU has since raised it at every occasion with the Uzbeks and has pointed to the possibility of suspending GSP. This was probably a key reason why the Uzbek government adjusted its course after the EP move. In 2012, the Uzbeks significantly reduced the number of children forced to pick cotton. In 2013, the Uzbek government accepted an ILO mission to monitor the cotton harvest, one of the EP's demands. And in the same year, the Uzbeks also committed to tackle the broader problem of forced labour, not just child labour. Whether these are genuine commitments or mere manoeuvres to deflect international pressure remains to be seen this year.

Lessons learned: This campaign showed how the EU can effectively employ its trade leverage over a specific issue, and how the European Parliament can play 'bad cop' to good effect where the Commission is reluctant to do so because of commercial lobbying.

OSEPI advocacy team, May 2014