



GONG: Advocating for Change

GONG Team¹

Summary

The Croatian CSO GONG undertook several election monitoring campaigns, encouraging citizens to participate in the elections as well as in its own efforts to safeguard the legality and transparency of those elections. In 2002-2003, GONG conducted a major advocacy oriented project, "Election Package", which brought the issues and experiences of previous years together. A reflection on its experience in developing this and other projects can serve to formulate lessons learned regarding successful advocacy work. This paper will outline what GONG did, how it did it, and what results it yielded, in order to identify the most effective advocacy strategies.

GONG: Monitoring elections in Croatia

GONG was founded in 1997 to encourage citizens to actively participate in political processes. Through the successive election monitoring campaigns it undertook, the organisation gained a lot of experience regarding the legal framework of elections and its flaws. Many voters, candidates and observers called on GONG during the election campaign and on Election Day for help or explanations of legal provisions, or to warn about problems that occurred.

GONG experienced the inadequacy of the legal framework at first hand; there were no provisions for non-partisan domestic election monitoring until fall 1999, and provisions on the conduct of elections were often changed shortly before Election Day. Moreover, the legal basis for elections in Croatia includes so-called "obligatory instructions" issued by an *ad hoc* State Election Commission (SEC) only weeks before Election Day. The Election Reports that GONG published on the organisation of successive elections consistently showed similar problems in conduct of the elections that derived from inadequate legal framework.

After experiencing and observing these problems occur repeatedly, GONG concluded that they should be tackled at their roots: something had to be done regarding the legal framework of the elections.

Types of problems identified

Based on the experience of successive election campaigns, GONG identified the five most important laws that required amendment or adoption to properly regulate the legal and technical aspects of the election process. They concerned the voters' lists, campaign financing, political parties, the technical organisation of elections, and the establishment of the SEC as a permanent body. The overarching objective of working to have such election legislation amendments adopted was the creation of preconditions for building a legal framework of election legislation that would be in accordance with European standards.

The problems involved varied from laws that needed improvement to those that needed to be adopted, as regulation on some issues did not exist at all. There was also an issue of legal uncertainty concerning election legislation because of the state of flux election legislation was in for several years. Imprecise election laws required additional co-ordination between different state bodies that participated in conducting elections and were not adequately educated. It was GONG's main goal to convince the public, experts and decision-makers that only through changing the underlying legislation could the election process be improved.

All these issues were compiled under one advocacy-oriented project that GONG conducted throughout one year (2002-2003) called "Election Package".² Campaigning for the amendment and

adoption of individual laws has also continued after the project was over and is still an essential part of GONG's advocacy policy.

The most effective advocacy strategies

Over the past seven years, GONG has tried and implemented several different advocacy strategies, depending on the objectives and target groups that were at stake. The below are those that, in our experience, proved to be most effective, listed in roughly sequential order.

1. Research and analysis

Thorough research is a base of every advocacy campaign. Gaining all available information on a certain issue from more than one perspective is extremely important if the organisation is trying to attract public attention on the issue. In addition, comparative analysis (for example, of legal provisions), usage of internationally recognised standards and examples of good practice in other countries are also conducive to developing a strong and useful argument.

2. Public actions

Making an issue a public cause in order to gain popular support for it greatly enhances the power of advocacy efforts. In GONG's case, the organisation had to first try to bring election issues closer to the "ordinary people" and their "everyday life", in order for the public to identify with its struggle. GONG stressed how the issue of the voters' list not being up to date, for example, would directly affect people's ability to exercise their right to vote.

Secondly, GONG set up an action plan for public actions that would bring its cause out into the public space. The organisation had to decide when, where and how to organise actions to ensure public attention. One of the best examples of a successful campaign was a TV clip that appealed to citizens to take part in monitoring the 2000 parliamentary elections. To make its point, it invoked the alleged irregularities and fraud during the 1998 Miss Croatia beauty pageant and the 1999 national football championship finals. The best actions are the ones that provoke and capture public and media attention, but at the same time convey the message that citizens themselves, by helping CSOs, can make a difference.

3. Media outreach

One of the best tools for raising public awareness on a certain issue remains attracting media coverage, both of the organisation and the issue itself. Building and maintaining a good relationship with the media is a long-term process, but an important one for any advocacy campaign.

The media have to get interested in the organisation's work, the specific topics at hand and the stories that could be published about it. That's why it is important to 'feed' them with concrete examples, both positive and negative, of the effects the issue at hand may have, what you are doing about it, and the impact of your work. After all, they need to report on real life ramifications; theoretical recommendations are of little interest.

The organisation should invest time and effort in educating several journalists that routinely follow these topics about the main recurring issues, so they can inform them quickly when something newsworthy happens, instead of having to waste time explaining everything from scratch. Journalists should be involved as much as possible in the organisation's activities themselves as well, so they can get the story first-hand. GONG, for example, regularly invites the journalists it maintains regular contact with to take part in the election monitoring it undertakes, and many of them do.

4. Direct lobbying

Once GONG had succeeded in attracting media visibility for the elections issue and raise public awareness about it – once a critical group of people who wanted change was mobilised - it undertook direct lobbying. An example of the innovative direct lobbying GONG explored is how it approached MPs when it was lobbying for the adoption of legal provisions on domestic election monitoring in 1999. GONG sent birthday cards to all the MPs who had their birthday during a period of two months, along with the proposal it had drafted for the amendment of the Election Law.

5. Legal remedies

If all else fails, take it to the court! Legal remedies and appeals can be very useful in proving the inadequacy of election legislation, depending on the internal legal system of the country. GONG

succeeded in challenging several legal provisions before the Constitutional Court, which in turn triggered other legislation changes. Judicial procedures take a long time but if the case was successful, the organisation will also gain respect and credibility.

Examples of advocacy achievements

Although advocating for election legislation change is an ongoing process, here are some concrete results that GONG has achieved so far, using the advocacy strategies that are described above:

Legal opinion of the Constitutional Court, 1998

GONG and the Croatian Helsinki Committee have jointly succeeded in requesting the legal opinion of the Constitutional Court on the presence of impartial, domestic observers at polling stations for local elections. The Court's ruling invalidated a 1997 decision of the State Election Commission that barred impartial observers from access to polling stations.³

Amendment to the Election Law, 1999 ("Orange Amendment")

After several months of advocating, which included a petition that attracted 27.795 signatures, most of GONG's proposal for an amendment on impartial election observers was included in a new Law on the Election of Representatives to the Croatian Parliament. It was the ruling party of the time that tabled the corresponding amendment. Article 107 of the new Election Law for the first time provided a legal basis for impartial observers to observe the whole election process.⁴

Four amendments to the Election Law, 2003

Four of the amendments that GONG had campaigned for were adopted when the Croatian Parliament voted on the Election Law on April 2. They referred to the protection of voters' rights, the shortening of the so-called 'election silence period' (when campaigning is no longer allowed), the use of the original D'Hondt method for transferring votes into mandates, and the determination of obligations for all electronic media during the election campaign.⁵

Two decisions of the Constitutional Court, 2004

Thanks to an initiative of GONG, the Constitutional Court annulled certain articles of the two different Election Laws regulating local and presidential elections that restricted the voter's right of petition. These articles were found unconstitutional by the Court because they granted less right to petition in the election process than the Constitutional Law. They were annulled after a review process that lasted a year and a half.⁶

A case study of successful advocacy: tackling voter list corruption and election fraud

During each election in Croatia, GONG is faced with citizens' calls and complaints about voters' lists and questions about how to vote outside their place of residence, or abroad. The institution responsible for maintaining voters' lists (the Office for State Administration - OSA) never did anything in the line of voter education, so GONG constantly included messages in its voter education campaigns stressing, "check your data in the voters list", and "get your registration to vote in another place". In spite of the fact that GONG was constantly warning about the problems in voters' lists and inadequate legislation, using the media and its own election reports and lobbying state institutions and politicians to highlight the issue, the latter never showed the political will to solve the problem.

A few months before the presidential elections of 2005, we became tired of repeating the same things for years and decided to collect concrete evidence of the problems for the media, state institutions and politicians.

We compared the number of voters in the 2005 voters' lists with the number of citizens of voting age in the 2001 Census. The numbers showed that Croatia had a problem – the voters' lists had 350.000 people more than there were citizens of voting age in Croatia! We organised press conferences and prepared a presentation for the media. It became a huge media story.⁷ In the next couple of weeks the media continued investigating this issue: they went to towns near the border with Bosnia-Herzegovina and discovered that in these towns, the number of voters and the number of inhabitants was almost equal. Their findings revealed that some Croatians from Herzegovina had residence in both countries – they were registered as residents in Croatia, but lived as Diaspora Croatians in Herzegovina.⁸

GONG publicly warned about the two problems on this count:

eumap.org: Features > July 2006 > "ADVOCACY: Are civil society organisations any good at it? (And what exactly IS it anyway?)"

- Voters' lists are not precise, and do not reflect reality.
- The regulations for voting abroad created the possibility to vote twice: if you lived in Herzegovina, you could vote as Diaspora Croatian there, showing your Croatian passport and Bosnian ID; then, you could go to Croatia and vote with your Croatian ID in the place of your residence.

Even though the media stuck to the story, the responsible state institutions (SEC and OSA) repeated that voters' lists did not pose a problem and that it was impossible to vote twice.

The results of the first round of the presidential elections meant that a second round was needed. The votes from the Diaspora had played a decisive role in forcing a second round. A week after the first round, GONG went to the SEC and reviewed voters' lists from Bosnia-Herzegovina. It noticed a large number of voter names that were added in writing and large number of very old citizens who had voted. We went further and searched for the phone numbers of ten people on the voters' lists in Bosnia-Herzegovina and tried calling them to ask if they had voted. Of the ten persons, four were dead and five said that they had not voted. But all of them had been registered in the voters' lists as having voted!

We filled a criminal complaint with the State attorney and held a press conference. It was another front-page story for the media. Reporters even went to Herzegovina and found graves of these 'voters'.

Three days after the Secretary of the OSA repeated that double voting is impossible, a journalist of the "Jutarnji list" national daily paper, Antonia Knezevic, voted in the second round of the elections in her Croatian place of residence. She then travelled to Mostar in Herzegovina and voted once more there with her Croatian passport and an expired Bosnian ID.⁹

For more than a month, voters' lists and voting abroad were hot issues in Croatia. The President of the Parliament together with the Prime Minister publicly intoned that something had to be done, that the Law on voters' lists should be changed, and that Croatia really needs the SEC to be established as a permanent body. GONG was seen as an election 'Robin Hood', with a marked role in public debates and the media, and gained respect among members of the SEC, MPs and Government officials.

Lessons learned and a guide to Good/Best practice

There are several conclusions to draw on the basis of GONG's experiences that can serve as lessons learned regarding advocacy strategies.

The most important lesson GONG learned was that an organisation has to have a clear policy strategy for advocating. Such a strategy must include setting an overall objective and formulating a clear definition of issues. It must discuss types of reactions to the different problems that may arise, define the decision-making process on advocacy strategies within the organisation, and plan for several possible outcomes and responses for every advocacy initiative.

To monitor and implement this strategy, it is important that there is a full-time coordinator of advocacy efforts in the organisation. When a shift in GONG management/personnel occurred, it became obvious that, since advocacy initiatives are slow and long-term processes that also greatly rely on networks of contacts, only the people who had coordinated the activities from the very beginning were able to efficiently react on time and in the right way. A new employee working on advocacy initiatives will need more time and training to be able to fully engage in all the types of work involved than he would in other projects and activities. Constant changes in personnel who work on advocacy initiatives inevitably leads to decreased ability to implement advocacy initiatives efficiently.

Timing is essential in the planning of an effective advocacy campaign. Determining the right timing for launching advocacy campaigns depends on various external and internal factors, but the organisation has to be aware of them before starting the campaign and make the best use of them. External factors that were usually of most concern to GONG were the dates of upcoming elections, the schedule of parliamentary sessions and the procedural timetable regarding the different draft laws that were being discussed. We also needed to consider what other projects and programmes the organisation was conducting: will they overlap with the advocacy campaign and how (in a negative or positive way); does the organisation have the capacity at the given moment to endeavour in a more demanding

campaign; will there be partners or coalitions involved? When establishing new initiatives, GONG drafted a short evaluation of these questions and on that basis determined the timeline of the advocacy campaign.

Finally, a combination of different advocacy strategies used simultaneously provides the best results. The organisation should carefully choose which strategy would serve a specific purpose most effectively in given circumstances. Attracting media attention and public support is always useful. Being visible and sometimes loud will serve to catch the attention of decision-makers, and having enough public support to back up one's demands will speed up the process of getting legislation amended or adopted. Follow-up strategies may require less media attention, once the issue has already caught the attention of decision-makers. In that phase, direct lobbying and cooperation on finding the best solution has proven to be as useful as being loud.

¹ For more information, see <http://www.gong.hr>

² GONG, Election Package - Amending Election Legislation, <http://www.gong.hr/eng/gong.asp?cat=17&subcat=52>

³ Constitutional Court, Opinion U-VII-833/1998, 9 October 1998, *Official gazette no. 133/1998* (in Croatian)

⁴ Croatian Parliament, Law on the Election of Representatives to the Croatian Parliament, 3 November 1999, *Official gazette no. 126/1999* (in Croatian)

⁵ Croatian Parliament, Law on the Election of Representatives to the Croatian Parliament, 9 April 2003, *Official gazette no. 69/2003* (in Croatian)

⁶ Constitutional Court, Decision U-I-2494/2002, 24 March 2004, *Official gazette no. 43/2004* (in Croatian)

⁷ Central news, Croatian radio television (HRT), 5 December 2004

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⁸ Central news, Croatian radio television (HRT), 13 January 2005

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⁹ A. Knezevic, "Juratnji list journalist voted twice: in Croatia and in Bosnia-Herzegovina", *Jutarnji list*, 17 January 2005