

**Rebecca Vilkomerson**

# **Public Policy in Divided Societies**

Making the Case for a Civil Rights  
Policy Institution

**Dirasat**

The Arab Center for Law and Policy

**دراسات**

المركز العربي للحقوق والسياسات

June 2008

## **Public Policy in Divided Societies**

*Making the Case for a Civil Rights Policy Institution*

*Ms. Rebecca Vilkomerson*

**السياسات الجماهيرية في المجتمعات المنقسمة:**  
دراسة مقارنة في مؤسسات الحقوق والسياسات

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## **Dirasat**

### The Arab Center for Law and Policy

**In** late 2006 Dirasat, the Arab Center for Law and Policy, was established by a group of young Arab policy leaders, academics, and social activists. The goal of the Center is to address the vast need for improvement in the socio-economic status and the general attainment of substantive equality of all members of society (majority-minority; men and women), at both the individual and collective levels. Specifically, the Center focuses on the challenges facing Israel's Arab-Palestinian minority citizens, who comprise nearly 20 percent of the state's population.

Currently, Arab-Palestinian citizens consistently rank in the lowest socio-economic echelons of Israeli society, with more than half of Arab families falling below poverty line. Arab localities continue to be characterized by high unemployment rates, inadequate infrastructure and the absence of significant economic development. Discrimination is regularly apparent in state resource allocations in every field (particularly in land, education, housing, and social services), and Arab-Palestinians continue to be excluded from the centers of power and underrepresented in government institutions, as well as in the general public sphere.

In this context, the main challenge before the Arab-Palestinian minority is the translation of their aspirations for substantive and equal citizenship into concrete demands and proactive strategies, articulated as viable alternatives to existing frameworks of state Law and Policy. If substantive citizenship is to be realized, these alternatives must be underpinned in clear strategic goals with regard to the status of the Arab minority and its relationship to the State. It is this exact interplay of law and policy that Dirasat seeks to address at the state level, while at the same time working to enhance the capacity of the Arab minority leadership to make informed decisions on strategic directions and the specific goals required to achieve substantive citizenship.

Dirasat endeavors to achieve these goals through strategic planning, applied research that can inform both the internal (within the Arab minority) decision-making processes regarding strategic goal-setting and the external decision-making processes (at the state level), publication of position papers recommending concrete law and policy reforms, dissemination of up-to-date and useful data and information to bolster advocacy efforts, and provision of capacity-building and skills training among the Arab-Palestinian minority rights community.

The founders of Dirasat, the Arab Center for Law and Policy, are motivated by the belief that meeting the challenges of engendering full equality and substantive citizenship for the Arab minority requires moving beyond the intense work of responding to daily rights violations. It demands forward-looking strategizing and policymaking. In this sense, Dirasat's endeavor adds significant leverage to the litigation and advocacy work of both Arab and civil rights organizations in Israel, as it provides a fresh perspective on the types of laws and policies needed to ensure full equality and participation

of the Arab-Palestinian citizens in the state. Furthermore, all of the Center's activities are carefully designed to involve the community and solicit its input toward the goal of ensuring that its programs remain constantly relevant to the community's needs and priorities.

As part of our initial research, we initiated a survey of similar minority and civil rights law and policy organizations around the world. The goal of this study was to examine the work of successful, comparable public policy centers around the world (mainly in the US, Europe and South Africa), and to examine the types of goals and strategies for social change adopted by these groups, in order to share them with organizations such as Dirasat to inform our missions and activities.

Dirasat is taking on the key role that similar organizations around the world have played at key moments in history in building equality for all the citizens of its state. Centers such as Dirasat have played, and continue to play, an essential role in the advancement of the disadvantaged and marginalized around the globe. In addition to high quality research, these centers employ a wide array of mechanisms to inform and influence internal and external decision-making processes including the issuing of position papers, holding of study and seminars, lobbying, training, publication and more. Their successes serve as inspiration and guidance for the Dirasat's initiatives.

Please see Appendix IV for more information about Dirasat's mission, activities, and objectives.

The following paper is one of the first products of our work. We undertook it to research the need for a policy center such as Dirasat in the context of the Arab-Palestinian minority in Israel, but we also believe it can make a contribution to discussions in other regions and around other issues. I would

like to take this opportunity to thank Rebecca Vilkomerson, the author of the paper, for her skilled research and reporting.

We look forward to hearing your comments and feedback.

Yours,

*Yousef Jabareen*

Director of Dirasat, the Arab Center for Law and Policy

# **Public Policy in Divided Societies:**

## Making the Case for a Civil Rights Policy Institution

### Executive Summary

**This** paper surveys modern and historical civil rights institutions around the world in order to make the case for the need to introduce an institution focused on law and policy that can successfully strengthen the civil rights movement of the Palestinian-Arab minority in Israel. Additionally, the paper identifies best practices and structures from similar institutions under comparable conditions in order to aid in designing the most effective and useful model in the context of the Arab-Palestinian minority in Israel.

After a brief examination of the field of public policy, the policy process, and its relatively recent arrival in Israel, the author presents a mini-case study of the successful role that developing a policy infrastructure – including publications, research centers, think tanks, academic fellowships, and nurturing of new leaders – has played in the successful rise of the movement for social justice in the United States over the last few decades. Further examples, such as the key roles played by the NAACP in the U.S. civil rights movement, and the Center for Applied Legal Studies in South Africa’s anti-apartheid movement,

lead the author to suggest that developing a policy infrastructure that nurtures the movement in question itself – through publications, resources, networking and training – is critical to the success of any movement for civil rights.

The paper uses the case study method to examine parallel institutions in analogous circumstances, primarily in the English-speaking world. From the initial survey of 18 organizations, four organizations were selected for more in-depth study. Those organizations are:

1. *European Center for Roma Rights—ECRR (Hungary)*: a ten year old cross-national organization advocating on behalf Roma rights;
2. *Center for Budget and Policy Priorities—CBPP (USA)*: a 25 year old, widely respected policy institution in the U.S. focusing on federal and state budgets and programs for low-income people, regardless of race or gender;
3. *Centre for Applied Legal Studies (South Africa)*: founded in 1978, historically an anti-apartheid legal and policy research center, now focusing on socio-economic rights;
4. *Irish Traveller's Movement—ITM (Ireland)*: an 18 year old organization that advocates for the rights of Travellers, a small Irish indigenous minority.

The choice of these organizations was based on factors including: work within a civil rights struggle that substantially parallels the Palestinian-Arab civil rights movement in Israel, notable success or innovation in the organization, and diversity in geography and program approach.

There was a high level of consensus among the organizations about the most important factors necessary both in order to build a successful law and policy center and generate a strong, positive impact on the respective civil rights movement, regardless of the diversity within the countries and the structure of the particular organization. Some of the strongest factors included:

- The importance of quality research in moving issues to the agenda for both policymakers and the public, as well as building the reputation of the center itself;
- The importance of well-planned strategic use of position papers and other publications, including investing in communications staff, to ensure that publications are actively used after their publication;
- Use of technology, such as a website, list serves, and audio conference calls as effective tools;
- Research priorities must reflect the needs and priorities of the community that the organization serves;
- The relationship of the organization with the government and other institutions often begins in mutual hostility but can evolve into a shared respect;
- The fiscal health of the organization is dependent upon securing long-term core funding support from funding partners.

Other factors discussed included staffing and governance structures, the intersection of law and policy, the capacity-building role of the organization, and the essential role of internal evaluation.

The most critical elements to building a successful center and a thriving civil rights movement were identified as:

1. quality research;
2. well-planned, strategic dissemination of publications, including investment in communications staff;
3. securing relatively long-term core funding support.

In conclusion, the research results of this paper indicate that the existence of a center that focuses on building the strength, resources, and training of movement practitioners – as a complement to organizations that focus on activities such as litigation and lobbying – is of vital importance to the success of a civil rights movement. In the context of the Arab-Palestinian minority in Israel, the time is ripe to introduce an Arab Center on Law and Policy.

# Public Policy in Divided Societies: Making the Case for a Civil Rights Policy Institution

By: *Rebecca Vilkomerson*<sup>1</sup>

## I. Introduction

**F**or Palestinian-Arabs in Israel, fulfilling aspirations of substantial equality and fair participation depends upon an ability to make informed and calculated decisions regarding the goals, priorities and appropriate civil rights strategies in the struggle against discrimination and exclusion. To confront the enormous challenges facing the Arab community in the coming decades, and to reinforce its capacity, we have initiated **Dirasat, the Arab Center for Law and Policy**, a professional center designed to assess the legal, cultural and socio-economic obstacles faced by Arabs in Israel and to galvanize their effective redress. The Center will focus on developing alternative legal and social strategies to serve and advance short- and long-term goals in the Arab community, as well

1. Rebecca Vilkomerson earned an M.A. in Policy Studies from Johns Hopkins University in 1997. She has over ten years of experience in working with and for non-profit organizations in the United States and Israel. The author would like to thank Dr. Yousef T. Jabareen (Director of Dirasat) for his thoughtful remarks on earlier versions of this paper. Many thanks also to Dr. Muhammad Amara (Chairperson of Dirasat), Ms. Ghaida Rinawy-Zoaby (Board Member of Dirasat) and Emily Schaeffer for their reviews of this study.

as ensuring the availability and capacity of professionals to implement them.

Centers such as the Dirasat, the Arab Center Law Policy have played and continue to play a pivotal role in minority and human rights struggles around the globe. The purpose of this paper is to examine the roles some of the exemplary examples of these kinds of organizations play in their respective struggles, in order to help us create the most effective and useful model for the Palestinian-Arab civil rights movement in Israel.



## II. The Field of Public Policy

Dirasat's primary focus is on the intersection of law and policy, and more specifically as the place to expand and deepen the skills, knowledge, tools and networks of office holders, policymakers, lawyers and other legal works, researchers and other community activists in the civil rights movement.

Public policy is a rather young field, generally considered to be a twentieth century invention.<sup>2</sup> In Israel, it is even less established, with even the oldest policy studies departments and independent organizations in operation only since the 1980s and later.

There is no one agreed upon definition of “public policy,” but there is a consensus that it is a process rather than just one decision point in time. According to Thomas Birkland, the William T. Kretzer Professor of Public Policy at the School of Public and International Affairs at North Carolina State, while there is no agreed upon definition, there are elements that all the definitions contain, including:

1. it is made in the name of the “public;”

2. McCool, Daniel C., *Public Policy Theories, Models, and Concepts: An Anthology*, Prentice Hall, 1995.

2. it is made by government;
3. it is interpreted and implemented by public and private sectors;
4. it is both what the government intends to do and chooses not to do.<sup>3</sup>

The policy process can generally be broken into six stages, in the following order: problem recognition, agenda setting, policy formulation, policy adoption, policy implementation, and finally policy analysis and evaluation.<sup>4</sup>

Each of these stages of the policy process provides an opportunity for different actors to enter and influence the policy process. For example, “defining the problem” may be accomplished by research scientists or by community organizations. Getting a policy problem onto the public agenda (“agenda setting”) is a point in the process at which community organizations, journalists, and legal advocates excel. Very strong advocacy organizations may be involved in policy formation, but it is generally the realm of officeholders and bureaucrats. Policy adoption, when a new law or regulation is officially made into law, is almost always accomplished by an officeholder, judge, or other government official, although with the support or pressure of other interested stakeholders, the media, or the public. Implementation, while performed by the government sector, may be monitored by interest groups or challenged by legal advocates. Finally, policy analysis reverts back to social scientists, whether in the public, private or non-profit sector. Community organizations or interest groups may also perform “community-based” analysis of the effectiveness or harm of a policy.

3. Birkland, Thomas, *An Introduction to the Policy Process*, M.E. Sharpe, 2001.  
 4. Theodoulou, Stella, *Public Policy: The Essential Readings*, Prentice Hall, 2005.

Knowledge of the policy process framework can assist in disciplined planning of a strategy to advance political goals for Arab Palestinians in Israel. To maximize influence on public policy in service of the overarching goal of substantive citizenship for Arab minority in Israel, Dirasat must seek as many entries as possible into the policy making process described above. With a particular focus on law and public policy strategies, Dirasat seeks to enlarge the pool of practitioners who can enter into the policy process at each entry point, deepen the knowledge and skill sets they need to be effective, and offer opportunities to network, build coalitions and engage in long-term strategy and discussion.

Public policy may be defined very narrowly, such as to change or pass one specific law or regulation. It may also be used as the instrument of broad social movements. A comprehensive paradigm shift in a society, such as in the civil rights movement in the United States, which addressed the equal rights of African-Americans, culminated in an entire new category of laws, regulations, and government institutions to reflect those changes--thus affecting public policy on a broad scale.

Therefore, to affect public policy, writ large, is one of the key goals of any rights struggle, regardless of the tactics of the movement in question (e.g. legal, legislative, or mass action), or what its focus may be (e.g. civil, human, or economic rights). Support for research, the ability to wage effective public education campaigns, the nurturing of professionals, and development of a linked network of like-minded organizations that work on different aspects of the policy process within a similar ideological framework may be referred to as the policy infrastructure of a movement of change.

The successful development of strategic research and training

capabilities are widely credited as one of the key factors in the rise of the conservative movement in the United States. This case, while in its political goals is almost diametrically opposed to the goals of the Palestinian-Arab civil rights movement in Israel, is nevertheless an excellent example of the crucial need for the development of a comparable policy infrastructure in Israel for the Palestinian-Arab minority to fulfill the vision of an equal society. The following section examines this conservative "policy infrastructure" in more detail.



### III. The Role of a Policy Infrastructure: The Rise of Conservatism in the U.S.

In 1994, after elections in the United States brought a new conservative coalition to prominence, Jean Hardisty, one of the leading scholars of the right-wing in America, named “a well-funded network of right-wing organizations” as one of the five most important factors that moved American politics from the civil rights era to neo-conservative dominance.<sup>5</sup> She notes,

While a movement cannot succeed without substantial mass sentiment to support it, its precise level of success is shaped by the strength and effectiveness of its infrastructure (Hixson, p. 273). ...

The right’s strategists, funders, organizers and activists have modeled the creation of an effective movement infrastructure. By attending to movement-building, they have created a juggernaut- an overwhelming force that has swept the right to power and swept away liberal reformism in 15 short years..... right-wing funders invested in the building blocks or skeletal structure of their movement-

5. Hardisty, Jean V. “*Why Now?*” from the website of Political Research Associates: <http://www.publiceye.org/magazine/v09n3-4/whynow.html> , 1994.

such as publications, research centers, think tanks, and academic fellowships and chairs designated for rightist scholars, campus organizations, and youth groups (Schulman: 1992 and Bleifuss: 1995).<sup>6</sup>

Robert Bothwell, president emeritus of the National Committee for Responsive Philanthropy, in his article, “*The Decline of Progressive Policy: The New Philanthropy*” quotes two other scholars in delineating the specific effective tactics of the conservative movement:

According to James A. Smith, in *The Idea Brokers*:

In the past two decades, the most important function served by the network of conservative think tanks has not been the germination of new ideas, but the creation of a ‘new cadre’ of professionals...Not only have the dozens of conservative think tanks created a framework for disseminating ideas that exist largely outside the established infrastructure of academic journals, university presses, and commercial publishing,...they have also designed career vehicles for conservative activists and thinkers. The opportunities to publish and write with this ‘alternative’ infrastructure have given high visibility to some conservative policy analysts, often short-circuiting slower academic routes to prominence...[and] With an eye to the future of the movement, Heritage [Foundation] has also conscientiously nurtured a ‘third generation’ of conservative leaders, sponsoring college interns and young policy aides who come to work in Washington’s bureaucracy and providing a meeting ground for them while they are in town.

6. Ibid.

More recently, Callahan writes, “...Conservative think tanks are well positioned to help consolidate and extend the major conservative policy gains of recent years. ...they have perfected their strategies for building elite and public support for policy ideas through extended campaigns that reframe broad arguments, popularize specific blueprints for action, and mobilize grassroots support.”<sup>7</sup>

These comments were written in the 1990s, correctly predicting the performance of the conservative policy infrastructure on public policy that would be accomplished in the following decade.

It is critical to heed the lesson of this recent American experience, despite its very different context and goals. The effective use of research, policy analysis and development and training can lead the direction of a social movement.

With Dirasat, the Arab-Palestinian-community is investing in building the infrastructure of the movement to achieve equal rights for Arab-Palestinian citizens in Israel.

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7. Smith, James A. “*The Idea Brokers: Think Tanks and the Rise of the New Policy Elite*” 1991, p. 206, and Callahan, *op. cit.* p. 206, both cited in Bothwell, Robert O., “*The Decline of Progressive Policy and the New Philanthropy*” in the Online Conference on Community Organizing and Development: <http://comm-org.wisc.edu/papers2003/bothwell/>, 2003.

# IV

## IV. The Role of Law and Policy in Civil Rights Movements

**While** this policy infrastructure is not yet well developed for the Palestinian-Arab community in Israel, there are many current and historic examples of the important roles such centers play in the civil rights struggles of other countries. The National Association for the Advancement of Colored People (NAACP), for example, was the preeminent civil rights organization in American history, using a combination of tactics including public education, litigation, lobbying, mass demonstrations, and policy analysis and promotion. As a membership organization (500,000 members at its height in 1946), the NAACP was the voice for African-American equality as well as the premier organization to train civil rights workers and activists.

An early victory of the NAACP against lynching is a good example of the power that well researched publications coupled with an effective public education campaign can bring. In the 1920's, the NAACP's main focus was ending lynching in the United States. While no law was ever successfully passed in Congress against lynching, the NAACP's report: *Thirty Years of Lynching in the United States, 1889-1919* launched a public debate that was widely

credited with almost ending the practice without benefit of a law.<sup>8</sup>

The need to build a strong base of civil rights workers and activists, who have the resources they need to struggle against discrimination, is a key element of success in civil rights struggles around the world, when backed by a broad-based mass movement. A similar example from South Africa is the key role the *Center for Applied Legal Studies (CALs)* - which is profiled later in this paper -- played in South Africa in laying the groundwork for the dismantlement of apartheid by bringing together jurists and educators:

Judges and lawyers worked for more than two decades to educate South Africans about their existing rights under the law, and to expand those rights... a multiracial coalition of judges, lawyers, and educators began to transform South African society more than two decades before the transition into democracy in 1994.<sup>9</sup>

Research, training of legal workers, and networking are specifically credited with changing the culture of law and policy in South Africa. According to John Dugard, founder of CALS, “we did succeed in changing attitudes towards the law on the part of lawyers and politicians. I believe that without the work that we did in that period, it would have been very difficult for the politicians in the early nineties to agree upon a constitution which contained a bill of rights.”<sup>10</sup>

8. Information from [www.africanonline.com](http://www.africanonline.com) and [www.naacp.org](http://www.naacp.org)

9. Marshall Clark, Mary, Columbia University Libraries Oral History Research Office, Carnegie Corporation Oral History Project. [http://www.columbia.edu/cu/lweb/digital/collections/oral\\_hist/carnegie/special-features/legal-education-litigation.html](http://www.columbia.edu/cu/lweb/digital/collections/oral_hist/carnegie/special-features/legal-education-litigation.html)

10. Dugard, Joh, Columbia University Oral Histories Office, Carnegie Corporation Oral History Project. [http://www.columbia.edu/cu/lweb/digital/collections/oral\\_hist/carnegie/video-interviews/](http://www.columbia.edu/cu/lweb/digital/collections/oral_hist/carnegie/video-interviews/)

More recently, in the last ten years the *European Center for Roma Rights (ECRR)* which is also profiled later in this paper, is largely credited for placing the rights of Roma, the largest national minority in Europe, on the public agenda.<sup>11</sup>

All these examples are indicative of the need for an institution that invests its resources in advancing the growth and strength of the civil rights movement itself.

Currently, while there are a few organizations in Israel committed to promoting Palestinian-Arab rights in Israel (such as *Mossawa*, which focuses on advocacy and lobbying, and *Adalah*, which focuses on litigation), there is no public policy organization that exclusively focuses on expanding resources, networking and education in order to build the strength of the movement for equal rights in Israel in the broad way that the organizations discussed above have in their respective countries.

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11. Personal communication, ERRC and Open Society Institute Justice Initiative, June 2007

# V

## V. Research Methodology

Every country, every minority group, and every civil rights movement exists in its own historical context, with somewhat different political, social, and economic conditions, and working within differing legal systems and legislative frameworks. Likewise there is no one ideal model for creating the perfect organization that will enable the civil rights movement in Israel to succeed. Yet by surveying a subset of comparable organizations in other countries that are engaged in analogous work, and then examining more deeply the practices of several that are both doing exemplary work and are relevant to the situation in Israel, we are able to draw out best practices, challenges, and strategies that are relevant to Dirasat, the Arab Center for Law and Policy.

There are, of course, limits to the case study approach. First, the initial survey of organizations naturally could not be exhaustive. It was limited by language (that is, English), and so was focused mostly in countries such as the United States, South Africa, Australia, and Ireland, as well as some additional cross-European groups that use English as their common language. Given time and budget constraints, even

among those countries it was not possible to be comprehensive. Organizations that were selected for review were either recommended directly by other practitioners in the field or were cross-referenced most often by other similar organizations or in the media, indicating a level of effectiveness and penetration in its country or movement.

(See Appendix I for a complete list, as well as a brief introduction to the eighteen organizations that were reviewed in researching this paper.)

Four organizations were selected for more in-depth case studies. They are:

1. European Center for Roma Rights—ECRR (Hungary)
2. Center for Budget and Policy Priorities—CBPP (USA)
3. Centre for Applied Legal Studies (South Africa)
4. Irish Traveller’s Movement—ITM (Ireland)

The selection of these organizations, necessarily subjective, included the following factors:

1. Work on a civil rights struggle that has parallels to the Palestinian-Arab civil rights movement as a movement in Israel as a movement of both ethnic and indigenous minority. As Yousef Jabareen notes, “native minorities,” such as the Palestinians in Israel, are considered to be distinct from “immigrant minorities” and have a stronger claim for group recognition, while immigrants are usually viewed as being more willing to be absorbed into the majority culture.<sup>12</sup> Nevertheless, Israel remains unique even among other countries

12. Jabareen, Yousef T., *An Equal Constitution for All? On a Constitution and Collective Rights for Arab Citizens of Israel*, Haifa, 2006, p. 21.

with indigenous minorities, as it faces a majority immigrant population.

2. Notable success or innovation in the work of the organization in order to pull lessons from those organizations that have proven instrumental to their respective movements.

3. Diversity in geography and program approach. Some centers emphasize research and publications, others media work, others training, etc. Given that Dirasat will offer a mix of various activities, the research includes organizations that excel in each of the relevant activities. Interestingly, as discussed below, in the end all four organizations emphasized the primacy of quality policy research, regardless of their apparent focus.

4. Availability. The key element of the case study phase of the research was phone interviews with high ranking staff members of each organization. We regretfully had to eliminate several interesting organizations because we were not able to make direct contact with them.

In addition to the case study organizations, an interview was also conducted with the Program Coordinator of the Open Society Institute's Justice Initiative—Legal Capacity Development program for a more global perspective. See Appendix II for the list of all six interviews conducted for the purpose of this paper.<sup>13</sup>

In addition to these factors, we were also limited by our own time and budget constraints. Each organization could have been examined more thoroughly by

13. Many thanks to the representatives of all the organizations who were interviewed. Without exception, all the interviewees were generous with their time, thoughtful with their answers, extremely responsive to our requests, and very sympathetic to the goals of Dirasat.

interviews with multiple stakeholders, including members, donors, members of the board of directors, and staff, in addition to on-site archival research. However, we had to limit ourselves to one interview per organization and web-based documentary research. As several of the interviewees noted, the information they offered was of course subjective as well, and we might have obtained a somewhat different perspective if we had interviewed a different staff person from the same organization. Nevertheless, we believe that substantive enough information was gathered to draw applicable conclusions, especially given that the purpose of this paper is not scientific rigor but practical applicability.

# VI.

## VI. Case Study Organizations

The following descriptions give a basic picture of the history, activities and strategies of each organization.

**a.** European Center for Roma Rights – ECRR— Hungary:  
[www.errc.org](http://www.errc.org)

The ECRR is a ten year old organization whose goal is to combat racism and human rights abuses against the Roma people, as well as win equal access to education, employment, healthcare, and other public services. It was founded with core funding from the Open Society Institute, although it became independent a couple of years later. There are four thematic programs:

1. strategic litigation;
2. policy research, analysis and publication;
3. cross-national advocacy;
4. training and capacity-building. ERRC, based in Hungary, works cross-nationally, as the Roma population experiences

discrimination throughout central and eastern Europe.

Both by their own and independent assessment, ECRR has been instrumental in setting the Romani rights agenda on the European level, including authoring the key European Union policy document regarding the Roma. They credit this to both the fact that they were the first major organization that focused on Roma rights, and to the high level of credibility that their research has among lawmakers, journalists, and the public, including Roma activists.

The primary audience of the ECRR is law and policymakers. Their primary activities, apart from litigation, include: legal commentary, legal cases database and documentation center, public policy analysis, trainings, training manuals, support to other NGOs/professionals, publications, advocacy campaigns, legal handbooks, and activist trainings.

Policy issues are largely chosen through a staff-driven process, and individual policy documents are developed as part of strategic research to target the law and/or policy of a specific country or international framework. Papers are usually released with a press conference, and goes out to a very large targeted mailing list as well. Publications are part of a long-term strategy within an issue area, and thus continue to be used after the initial dissemination. All papers are published on the website (which is in English, Romani, and Russian) and the website is very highly trafficked.

While the research and policy development department were added only in 2003, it has become an increasingly important and strong part of ECRR's work. In fact, not having had a policy analysis program in place from the beginning was the only thing identified by ECRR as something they would have done differently when establishing the center. Indeed,

ECRR credits its research and publications for having built its reputation.<sup>14</sup>

When ECRR began its work, it was largely reactive, responding to discriminatory policies. As the equal rights framework for Roma has been built in Europe in the past ten years, they have been able to move toward a more proactive approach, including in-depth critical assessments and long-term planning. Nevertheless, one of the organization's biggest frustrations is the implementation of the judicial victories they've won. While the court system, within the European system, has made great decisions, they are often non-binding or not fully implemented, and there is frustration within the organization about how much daily life for the Roma has actually changed in light of these decisions on paper. Their biggest challenge now is to work to guarantee the effective implementation of these decisions.

**b.** Center for Budget and Policy Priorities – CBPP – United States:

[www.cbpp.org](http://www.cbpp.org)

CBPP focuses on federal and state budgets and programs that affect low-income people, regardless of race or ethnicity. Issue areas include federal budget, state budget, taxes, poverty, social security, welfare programs, health, immigrants, housing, and food. There are additional programs that help international organizations gain the skills to analyze their own national budgets as well as additional outreach programs to increase use of favorable federal programs available to low-income people. Founded in 1981, the CBPP is almost universally considered -- by lawmakers, journalists, and other non-profit organizations -- to

<sup>14</sup>. Personal communication with ECRR staff, June 2007.

be one of the most respected policy institutions in the United States.

CBPP is based in Washington, D.C. and is very well known in the capital to legislators, their staffers, and key members of the media. Their work is regularly featured in opinion-shaping media such as *The New York Times* and the *Washington Post*.

CBPP is best known for the quality of its work, the reliability of its information, and its ability to disseminate information very quickly, in time to affect policy debates as they occur. Their communications work is central to everything they do. At the beginning of their process of deciding to write and publish a policy paper, they include a member of their communications department in the discussion about the paper and how it will be presented. Thus from the very beginning they have in mind the potential audience for the paper, how it will be disseminated, and how it will be strategically used to advance a law, refute a law, further a discussion, or other previously determined goal. CBPP credits its “credible, timely and accessible” research as the source of its power. Even by its critics, its research is considered reliable and fair.

CBPP’s website is an integral part of its policy dissemination, and it receives a million hits per month. CBPP has grown into a relatively large and well-financed organization, with a budget of \$13 million annually, a staff of 80, and a prestigious and well known Board of Directors.

Whether their work is pro-active or reactive is largely a function of the political moment in time. For example, under the current Bush administration, which has been largely hostile to economically disadvantaged people and the programs that benefit them, their work, according to their own informal estimate, has been 90% reactive<sup>15</sup>. However, in the Clinton

administration, they were proactively drafting policies and otherwise involved in policy formation as one third to one half of their work.

CBPP has a lot of experience seeding similar initiatives in smaller geographic areas, as it founded and coordinates the State Fiscal Analysis Initiative, which helps state-level organizations conduct budget analysis and advocacy work. While policy research and dissemination is the heart of its work, training, capacity-building and public education has become more and more important in recent years, reaching the level of importance of policy analysis for the organization, especially on the state level.

### C. Center for Applied Legal Studies (CALS) –South Africa [www.law.wits.ac.za/cals/](http://www.law.wits.ac.za/cals/)

The Center for Applied Legal Studies in South Africa, founded in 1978, has a long and storied history as part of the anti-apartheid movement, pioneering the use of rights based law in South Africa, participating in writing of the South African Constitution, and becoming involved with policy and legislation development during the development of South African democracy. Currently it focuses on socio-economic rights such as education, access to services, housing, land rights and labor rights. CALS was founded, with core funding from three large foundations in the U.S. (Ford, Carnegie and Rockefeller) in conjunction with another institution, the Legal Resources Center (LRC). The latter was meant to focus on public interest law and litigation, and CALS on research and education.

Although over its history CALS has engaged in some litigation, its primary

15. Personal communication with CBPP staff, Jun 2007.

role is still as a research and education institution. CALS is housed at the Wits Law School, and although it is funded and operates independently, all of its staff are academically appointed and are required to publish academically. CALS staff believe that while CALS is a “brand” in its own right, its affiliation with the university also lends credibility to its research reputation, as well as some degree of protection in the name of academic freedom on controversial issues (e.g. HIV/AIDS).

One of CALS most important functions in the apartheid years was in holding closed seminars (known as the Mount Grace seminars) for lawyers and judges to educate them about human rights law. They have been referred to as “red wine and human rights” to describe the elite atmosphere of the seminars. Many of the most progressive decisions in the courts were later handed down by participants in these seminars. CALS also strongly credits its research arm as having a profound impact on the litigation strategy of their and other anti-apartheid legal institutions, and their work in the press in those years in educating the public about the rights of black South Africans.

CALS continues to offer trainings to their networks of NGO partners in research areas such as land and labor and housing rights and characterize training as a more important component of its current work. CALS also has a physical “documentaton centre” that, since its historical documents were archived, currently functions mostly as an in-house library for staffers. It began as a clearinghouse open to other organizations as well, documenting human rights information and primary research material when that approach was new in South Africa. Although more and more of their resources are now online, it is still considered a key resource to offer

the “community of human rights scholar/activists” a physical space in which to meet. However, they would encourage a new organization such as the Arab Center for Law and Policy to focus on online availability of resources.<sup>16</sup>

Of all the organizations profiled here, CALS is the least focused on reaching a general audience. Generally their publications are either academic or very detailed in nature, although they always make sure to include executive summaries of their reports. They consider their most successful strategy for disseminating information what they call “stakeholder workshops” where they present the results of their research to relevant NGOs, academics, lawyers, activists, and members of government who are invited to presentations and discussions of their findings and implications.

While during the apartheid years CALS did not have any relationship with representatives of the government, since the transition to democracy in South Africa they have developed relationships inside of the government, and believe that their policy submissions and advocacy success are largely predicated on those relationships.

CALS’s process of choosing research priorities is staff-driven and somewhat dependent upon funding availability.

#### d. Irish Traveller’s Movement (ITM)—Ireland: www.itmtrav.com

The Irish Traveller’s Movement is a seventeen year old organization that fights discrimination against Travellers, a small indigenous nomadic Irish minority, and for equal rights, especially on issues of accomodation, health, education, and equal status under the law. ITM is a

16. Personal communication with CALS Staff, June 2007.

membership-based organization, a coalition of organizations and individuals that are Travellers or support Traveller rights. The board is elected by the membership and all key goals and strategies of the organization must be approved by the Board. Thus the ITM is a much more community-based and grassroots led organization than the other organizations under consideration.

Four years ago, at the behest of the local Traveller organizations that make up the membership of ITM, a Legal Unit (LU) was established. The twin aims of the LU are to develop the body of Irish law regarding the rights of Travellers within Irish society and to empower Traveller organizations to engage with the legal framework. They achieve this through case work, policy documentation and submissions, and trainings. Both within ITM and from external sources, it is widely cited that the LU has “blazed a trail” by bringing focus and attention for the first time to Traveller issues in the legal world, as well as engaging the Traveller community in the legal system for the first time.

One major early project of the LU were “legal packs” aimed at educating local solicitors (lawyers) about Traveller case law, to enable them to take on cases, on the one hand, and educating local Traveller organizations on the other hand about how to best use the law for recourse. The LU emphasized that while the packs were successful as a first step, and while there was a series of trainings about how to use them, a lack of resources to follow up with local organizations about how to use them effectively has meant they have been under-utilized.

The LU has also conducted two small but successful programs to bring Travellers into the legal field as practitioners (15 graduates) and to act as advocates (20 graduates) in discrimination cases in local tribunals (which are not official courts of law).

The ITM emphasizes that legal and policy work complement one another. While casework can resolve individual-based acts of discrimination, it is only with policy analysis and resulting action that the collective needs of the community can be fully addressed. ITM feels strongly that public interest litigation is not sufficient on its own, because a rights-based approach necessitates strategic planning and community involvement.<sup>17</sup>

A recurring theme for the ITM and especially the LU is the lack of sufficient financial resources. Promising programs with proven results have not secured permanent funding, putting a strain on the organization's programs. The adversarial nature of litigation has led them to consider new structures in the future that would separate litigation work from the other legal resources and training, to make it easier to secure funding for those programs.

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17. Personal communication with ITM staff, June 2007.

## VII. Key Elements of Successful Policy Infrastructure Institutions

To a remarkable degree, when questioned, there was a high level of consensus among the organizations about the most important factors necessary to both build a successful law and policy center and have a strong positive impact on their respective civil rights movement, regardless of the diversity of countries and their organizational form. The following thirteen key elements identified are:

**a. Quality Research:** All of the organizations emphasized the importance of putting out high-quality, credible research in a timely fashion. All the organizations credited strategic policy analysis and publications as an effective way of getting issues on the agenda of policymakers, influencing the public debate, as well as building the reputation of the organization itself. As was noted by the Boston Globe about CBPP in 2001:

Center on Budget and Policy Priorities, the research organization that for more than 20 years has established itself as the premier authority on budgetary issues.... It is usually referred to as liberal, which it is, but it is the premier authority because its record for scrupulous accuracy is unblemished and because the Center's work

is as carefully consumed by the government officials it watches as by the activists it serves.”<sup>18</sup>

Offering reliable and accurate information to all sectors of its core audience are at the center of all of the organizations’ effectiveness. While the organizations occasionally rely upon outside “expert” authors or co-authors, the majority of their analyses are authored by in-house researchers.

Marianna Berbac-Rostas of the Legal Capacity Development program of the Open Society Institute Justice Initiative, which works with organizations on several continents, noted that she places policy analysis on equal if not higher footing than litigation, especially in milieus, such as in Israel, where the vulnerability of the minority population is high and the scope of the problem is still not generally acknowledged by the general public or government institutions.

**b. Strategy and Communications when Issuing Publications:** A corollary to offering high quality research and analysis is the importance of wide and targeted distribution in a timely manner of the resulting publication. The publication may take many forms, from “issue briefs” to more in-depth reports, to formal commentaries regarding proposed legislation or court cases. All of the organizations emphasized that the dissemination plans for a particular publication must begin before the report is researched or written, and must be part of a longer-term strategy for moving toward the organization’s goal on that particular issue. The goal may also help determine the form of the publication. For example, longer in-depth reports may target policymakers and their staff, while issue briefs may target journalists and the general public. Reports are never intended to be used just once, but become part of an overall “advocacy

18. Oliphant, Thomas, in *The Boston Globe* (daily newspaper), October 9, 2001

package” on a particular issue. It was strongly urged to invest in at least one full time communications staff person who focuses on press coverage to ensure maximum exposure. When conceptualizing research, the long-term strategic use of the resulting publication should be taken into consideration.

Interestingly, two of the four organizations noted specifically the need to use “no comment” when asked by the press to comment on an area outside of the organization’s expertise. All press work should serve a strategic purpose, and being quoted in the press is not an end in itself. It can in fact backfire, if an organization’s reputation is injured by being quoted using less than impeccable information.

**C. Post-Publication Activities:** In addition to the initial launch of a publication, all the organizations noted the importance of careful planning and implementation of a strategy to use publications deliberately to advance a policy goal. Tools commonly used to promote publications include: press conferences; “stakeholders” conferences where relevant officials, activists, and academics are invited to discuss the results; public events discussing or debating the conclusions; ongoing outreach to media, especially well known columnists; web or audio conference presentations; and partnering with NGOs, academics, or policymakers to use the publications as needed. Promotion by a “name” -- an expert in the field, a lawmaker, or even a celebrity in support of the issue is also very useful, when possible.

To successfully catch the attention of the media, lawmakers and the public, publications must include interesting new information or innovative new recommendations. All the organizations surveyed also emphasized that the success of a publication is dependent upon the prior success of earlier publications—once an organization has established its

credentials as an accurate and informative source its work will receive greater initial respect and attention.

**d. Use of Technology:** All of the organizations reported that their websites are a crucial tool in the dissemination of information, and encourage posting as much material as possible in full on the website. All the organizations report that their website has become a key resource for practitioners in their respective movements. Maintaining comprehensive email mailing lists, that also divide the lists into appropriate categories, so publications may be released widely but in a targeted fashion are a worthwhile investment. Finally, use of audio conference technologies, both for reporters and for interested activists, is reported as a useful tool.

**e. Development of Research Priorities:** The organizations ranged in the degree that they consult with their respective communities in developing research priorities, but all had some feedback mechanism to ensure that their work would be useful, whether formal or informal. The OSI Justice Initiative, which has experience with a range of groups, emphasized the need to be responsive to the needs of the community in deciding upon priorities—for example to ask questions such as whether the community is more interested in socio-economic issues such as health and welfare, or minority status issues such as language rights. However, there can be a tension between the desire to pursue more abstract “access to justice” issues when the community is naturally focused on issues related to day-to day living. This is where the role of community education is important, where the link between individual injustice and fighting for collective justice can be made.

At one end of the community involvement scale is the ITM, which seeks approval of its member organizations in

all matters of priority and strategy. At the other end of the scale is the CALS and CBPP, where the selection of issue priorities and specific research is staff-driven, and there is informal consultation with external groups to ensure it will be utilized. ECRR noted that they used to have a system of local consultants who sent monthly reports regarding key issues in their communities, from which priority issues were gleaned, but that system was discontinued due to a lack of funding.

The key element appears to be tying research to issues relevant to the community, as part of a strategy to make progress on the specific issue, regardless of the exact consultation process.

As the civil rights movement in each country progresses, attention turns from fighting bad legislation or legal structures to monitoring and implementing good decisions or laws. This was also identified as a more difficult role for an NGO with limited resources to play, in combination with concern that formal victories through the court or legislative bodies do not filter down to the day to day life of the minority community.

### **f Relationships with Government and Other Institutions:**

Three of the four organizations described a very similar arc in their relationship with the government and other institutions. Not surprisingly, the CBPP has the least adversarial relationship with government, as it does not engage in litigation, which is by definition adversarial, and also did not have the same kind of pioneering role in advancing a civil rights movement in the U.S. from its infancy.

The other three organizations all described beginning the life of their organizations in a political atmosphere completely hostile to their goals, as well as contempt for their legitimacy. However, over the course of years, each organization, while still often in conflict with their respective government, has

built personal and professional relationships within it, and has become a resource for information and training to it. The organizations credit the legitimacy they have built to reliable research, staying power over the course of years, and recognition of their legitimate role as representatives of their community, as factors in building the grudging respect and ability to work cooperatively to work with their government under some circumstances. Strategic litigation is also a factor, as the ability to win cases against it does also inculcate a healthy fear in the attitude of the government toward the organization. However, the experience of ITM, which is in the process of separating its litigation from its other legal and policy work, and CBPP, which never engaged in litigation, shows that it may ultimately be more advantageous to keep litigation separate from the other strategies while not sacrificing any quality of respect the organization has earned.

Once a working relationship has been built with governmental bodies, there is a new danger that organizations must be vigilant about, that is not being co-opted by the government or losing legitimacy in the eyes of its community. But that is a concern for a later phase of organizational life.

Whether an organization focuses on proactive or reactive work is largely determined by the framework of law in place in each respective country. In the longest term example, CALS experienced a distinct shift in the way worked once South Africa had a constitution and had transitioned to democracy. Both ECRR and ITM, working under the framework of very strong anti-discrimination law in the European Union, have similarly been able to utilize the international legal system to their advantage. CBPP's tactics can go from proactive to reactive and back again in two to eight year cycles, depending on Presidential and Congressional elections and the resulting

friendliness of the administration. Thus the decision of whether to focus on proactive or reactive projects is largely a function of assessing the political and legal environment. All four organizations are able to move between both approaches as the situation dictates.

**g. Intersection of Law and Policy:** All of the organizations emphasized the importance of the intersection and interplay between law and policy. As several of the interviewees noted, while legal strategies help individuals obtain justice, policy development can affect the entire community through legislation. However, developing appropriate legislation and policy is dependent upon gathering information through individual cases, and individual cases can “prove” that the problem exists to policymakers and the public. Thus there is an interdependence between legal and public policy strategies. By basing policy work on the concrete needs of individuals, it also ensures that the policy measures sought are grounded in the needs of the community. The Justice Initiative, based on previous experiences in the Caucasus, recommends bringing together legal practitioners and policy “designers”—that is analysts, legislative staff, and policymakers, to train them about how their work can complement each other.

**h. Capacity Building Role:** The most effective way to conduct capacity-building and training garnered a much lower degree of consensus among the organizations. All of the organizations ranked its importance very high, but have struggled to different degrees with how to accomplish it effectively and therefore have different suggestions of how to best proceed.

Three of the four organizations suggested focusing resources on students, as they are the most open to having their activism proactively shaped, and can go on to not only serve the

civil rights struggle directly but also may take positions in government where they may be influential, or if they end up in private practice, be a pool to draw upon to take on pro bono cases. These programs typically train small numbers of people at a time in a relatively intensive and long-term manner. Nevertheless, small numbers can have a big impact, as the South African experience shows that education for seasoned lawyers and judges had a profound effect on the understanding of rights-based law in South Africa.

All of the organizations focused their shorter term training and outreach efforts largely towards other NGOs—both towards the activists who staff them and the members of the community who they work with. This was the primary way to reach leaders of the community. Several groups also recommended targeting other groups, such as journalists, the police, legislative staffers and even members of government. It is very important whenever possible that the trainers come from the target community to build legitimacy in the community and present information in a way that is useful from a community perspective. Trainings can be as short as half day workshops, to seminars, to ongoing courses.

Although all of the organizations have short to mid term workshops they offer based on their expertise, several caveats were offered about the efficacy of trainings. ITM noted that one-time trainings were not terribly effective. While they piqued the interest of the community in the subjects offered, they needed additional coaching to use the information effectively on their own, even with the support of written materials. Additionally, CBPP cautioned against offering training before having developed expertise and a reputation to precede it. Finally, although several of the organizations had experimented with scholarships for

aspiring practitioners, they were considered less successful programs in their own contexts. ECRR specifically felt that by becoming “donors” to individuals their institutional role became less clear. It also appears to be difficult to obtain ongoing funding to support fellowships and scholarships.

• **Funding:** While the organizations have had somewhat divergent experiences in terms of funding, those experiences lead to the same strong conclusion. CBPP, ERRC, and CALS were all founded with core funding by a major institutional donor (e.g., Ford, Carnegie, Open Society Institute). These institutions made a conscious investment in building each organization, recognizing the crucial role they played by making many consecutive multi-year grants, allowing the organizations the time and flexibility to evolve as they grew without having to fundraise constantly from one year to the next for core staffing. All of those organizations credited their core funders as partners who shared the “vision” for the organization and without whom they could not have succeeded.

ITM, which did not follow this model, appears to have the greatest financial difficulties and their activities have varied the most according to funding. ECRR and CALS also spoke about the need in recent years to find “project-based” funding, which allows less flexibility and can dictate to some extent the prioritization of research areas. All three organizations said that while funders did not push them into focusing on areas they did not intend to address, there were useful programs or activities that have been lost because funding for them was not found. Long-term core funders, on the other hand, with whom relationships and trust are built, are more willing to trust their grant recipients through transitions or new areas of focus. CBPP, the largest organization examined,

emphasized that they do not accept money that would pull them away from the priorities they have developed. As a corollary, it is important to develop strong areas of expertise, not be tempted to try to do everything at once and therefore get beyond the capacity of the organization, but to allow it to grow naturally.

• **Governing Structure:** There was no uniformity among the organizations in how they are structured, nor did there appear to be strong opinions about the need for one kind of structure or another, with the exception of ITM, whose membership-based, highly democratic model is a high priority within the organization.

Each organization appears to be strongly staff driven. The Board of Directors of each organization functions to bring legitimacy to the organization, especially by inclusion of known experts and community activists, as well as to potentially provide political cover for the work of the organization through their own personal reputations. However, it did not appear that the Board played a strong role in the direction of the organization, except in terms of general oversight. All of the organizations do have some way for their external community to have input into the priority issues of the organization, and several suggestions were made about how to ensure that this happens, from an “NGO forum” to an annual assembly, to informal consultation. The important factor is to provide opportunities for discussing and planning long-term strategy. Additionally, the legitimacy of centers like these is based upon the degree that they represent, reflect, and fight for the needs of their community. Thus it appears that the exact structure is flexible as long as it can accomplish these goals.

**K. Staff and Program Structure:** Although the details varied, the basic staffing and program structure of all of the organizations are similar. Headed by an Executive Director or equivalent, the organizations are organized according to staff function and/or program areas. Some common program areas include: “research and policy” (then broken into sub-categories by issue, such as education, housing, health, etc.), and when relevant “litigation,” and “advocacy and campaigns.” There is usually a separate communications and/or outreach department which is responsible for dissemination of publications from across all program areas, as well as other public or network events to promote the organization or its work. Each organization also has a “development” department – from one to many people – that raises funding for the work of the organization. Increasingly, organizations have or plan to have an “information technology” staff person or persons, responsible for internal networking, website updating, and other technological tools for communicating both inside and outside the organization.

**Staffing Challenges:** Two of the organizations identified staffing as one of their biggest challenges. This is especially noteworthy because it was not in response to a particular question but was self-identified by them during open ended questions. In very similar terms, representatives of each organization noted the difficulty of finding staff with the right set of skills and attitude toward action-oriented research that is relatively hard to find. Potential solutions include forming relationships with policy departments and law schools, especially like-minded professors, to identify potential staff members among the students, and a robust internship program. One organization’s director noted that staff tended to gravitate to either advocacy or research, but not both. However, as long as the organization has the right

combination of people that combined together possess the necessary skill set, so the organization is adequately staffed. Both organizations noted that the quality of the staff dictates the quality of the products, thus staffing well is of primary importance.

**m. Evaluation:** The lack of rigorous evaluation processes among all the organizations was one of the more surprising findings. All of the organizations consider evaluation both “a challenge and a problem” for the same reasons—it is hard to measure outcomes, especially of training and capacity-building, and in policy work it is hard to tease out an organization’s exact role in success or failure, given the many factors that effect the outcome. Each of the organizations distinguish between “outputs”—such as number of papers published, coverage in the newspapers, number of participants in seminars, etc. as opposed to fulfilling the goals of the organization. While each organization does track these numbers, they recognize that they are incomplete. Interestingly, given its smaller size, only the ITM has recently attempted to evaluate its comprehensive effectiveness. This may be due to the responsibility it has to report back to its member organizations.

Nevertheless, all of the organizations have internal review processes and collect stories of successes. They also have an acute sense of where they are succeeding and where they are not, though it may be hard to measure. As the director of CALS said, “I can construct an argument about the impact I think we have had, but it is hard to prove.”<sup>19</sup>

All of the organizations noted that their funders, while focusing more and more on evaluation measures, have thus far accepted their

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<sup>19</sup>. Personal communication.

rather informal evaluation procedures, which probably contributes to the lack of urgency in committing resources to evaluation.

# VIII

IX. X. **Conclusions**

**While** all of the factors examined above were important to a greater or lesser degree, three recommendations are most critical to developing a successful policy center in particular stand out. They are:

1. ***Quality Research:*** Producing accessible, credible, timely research on issues that are a priority to the community. This is the building block on which the credibility and legitimacy of the organization will stand, and should be the first priority activity for Dirasat.
2. ***Communications and Dissemination Strategy:*** Research should never be undertaken for its own sake, but should be a part of a long-term strategy with a specific goal. In ideal budget circumstances, it is very important to invest in staff that can work full time on a communications strategy and to build the infrastructure of the organization, including technological tools such as the website, in such a way as to maximize the utilization of all publications.
3. ***Funding:*** Securing the medium to long-term

support of a core funder or funders that is willing to be a partner of Dirasat and invest in the long-term vision of the organization is critical to build up the core staff and establish a secure financial base that will allow the organization to grow organically and flexibly as experience in the unique Israeli environment dictates.

Based on the study conducted, the key role of a policy infrastructure organization that offers policy analysis, policy recommendation, education, training and networking in building an effective civil rights movement is clear (see Dirasat strategies in the end of this publication). The creation of Dirasat, the Arab Center Law and Policy will fill a gap in civil society in Israel that can have a profound impact on the development of the Palestinian civil rights movement in the country. As all of the organizations mentioned, the timing of the emergence of their organization was critical to the success of their movement. When comparing their situation to Israel's, it is clear that the time is right for an Arab Center for Law and Policy.

## Post-Study Reflections on the Role of Dirasat in Civil Society in Israel

The Palestinian civil rights movement in Israel is in a critical moment in its evolution. It was only approximately ten years ago that current Palestinian civil rights organizations in Israel entered the scene, accomplishing some important victories for the movement through litigation (such as *Adalah*) and advocacy (such as *Mossawa*).

The results reported in this paper indicate that movement

and resource building are an important next step as a complement to litigation and advocacy in building the civil rights movement in the context of the Arab-Palestinian minority in Israel.

Dirasat, the Arab Center for Law and Policy is an organization that complements and strengthens existing organizations, by very specifically focusing on activities that do not include litigation or direct advocacy, thus freeing the resources of the organization to nurturing the growth and expansion of the movement.

As in particular the South African experience shows, there is a clear and important role for organizations that tend to the “policy infrastructure” of a movement to play. While litigation is an important tool, it can be limiting. For example, litigation is generally a reactive process, attempting to address a wrong, while policy research, dissemination, and other related activities can propose proactive, creative broader solutions. This allows the organization to define and create the issues, rather than responding to particular cases. Further, once a matter is in court, creative responses to a particular issue are generally curtailed and the litigants are tied to legal proceedings. By not being involved in litigation, Dirasat will have more flexibility.

Additionally, organizations that practice litigation are simply overwhelmed by the volume of court cases and different categories of injustice, and spend almost all of their resources, correctly, on fulfilling their mission to defend or prosecute such cases. This is specifically the case in Israel, where continuous legal challenges come up

all the time. Yet this does not, generally speaking, leave the time or ability to nurture a new generation of policy-oriented leader, to build the skills and resources needed for a long-term victory. As any veteran of a civil rights movement will agree, these struggles tend to be multi-generational, and need to be nurtured in order to grow and flourish. As in the South African case, it can take decades for the fruits of applied research, training, or policy outreach to ripen, yet they are crucial elements of a long term success. Dirasat will play the role of the patient gardener of the movement.

## Appendix I

### Organizations Reviewed

(Information current as of June 2007)

#### **U.S.**

##### ***Center for Budget and Policy Priorities:***

[www.cbpp.org](http://www.cbpp.org)

- Focused on low-income population and programs, no ethnic focus
- Issue areas: federal budget, state budget, tax, poverty, social security, welfare programs, health, immigrants, housing, food, etc.
- More think tank than training center, but lots of resources for activists
- Recently more and more focus on advocacy (ie testify in Congress)
- Highly respected research, high degree of legitimacy
- Considered the “powerhouse” of low-income research and advocacy

- Extremely effective and timely dissemination to advocates around the country, to policymakers, and to the media
- \$13 million budget, staff of 80, website gets a million hits/month
- Activities include: briefing papers, longer reports, power point presentations, network of state advocates, two interesting outreach campaigns, conferences, audio conferences, etc.

***NAACP:***

[www.naACP.org](http://www.naACP.org)

- The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.
- Instant name recognition
- Litigation still major component of their work
- Membership organization, branch offices, advocacy campaigns, public information campaigns
- Yearly “civil rights institutes,” leadership development, research department, monthly magazine, reports, law fellows program, etc.
- Issue areas are health, education, civic engagement (voting), criminal justice, economic empowerment

***National Council of La Raza:***

[www.nclr.org](http://www.nclr.org)

- The largest Latino civil rights organization in the U.S., works to improve opportunities for Hispanic Americans.

- Network of over 300 community-based organizations
- Applied research, policy analysis, advocacy, coalition building, capacity building for Hispanic organizations, especially focus on low-income, organizational assistance and resource development, public information campaigns, action center and action alerts, fellowships
- Issue areas—immigration, education, healthcare, budget, language access, civil rights and justice (voting rights, criminal justice system, racial profiling), economic status
- Receive federal funding and have corporate sponsors
- Have “research principles” which focus research in service of action
- Name recognition, seen as relatively loose coalition
- Governance by board of directors and also council of members

***Applied Research Center:***

[www.arc.org](http://www.arc.org)

- “Advancing racial justice through research, advocacy and journalism”
- More community activist and less law oriented
- More emphasis on leadership training and penetrating the mass media
- Issues: education, health, immigration, poverty, policy through a racial justice framework
- Intended to bridge efforts between analysts and activists

- Program areas: research, public policy, media and communications, leadership, advocacy, and journalism, publishes respected national magazine on race and politics,
- Public policy limited to California, action oriented ie. “report cards” on issues and politicians, etc.
- In depth reports, issue briefs, talking points,online action center

***National Employment Law Project:***

[www.nelp.org](http://www.nelp.org)

- Single issue—employment, including immigrant workers, nonstandard workers, unemployment insurance, work and family, and “second chance” (ie criminal record) labor
- NELP provides legal assistance/information to groups, including materials on organizing efforts around policy implementation in other states, workers’ rights materials, model legislation, referrals to local lawyers, unions, community-based organizations, state advocates, and national coalitions
- Fact sheets to understand workers’ rights and issues for labor organizers and service organizations and workers themselves
- Impact litigation, but focus on legal support services including training
- “Now, thanks in large part to NELP's efforts, there are tools in place to help advocates for low-wage workers effectively represent clients with employment-related problems: precedents set by NELP's legal victories; training sessions and

manuals that provide step-by-step guidance on how to litigate employment-related cases; and regular conferences and publications that keep advocates up to date on the latest developments in employment law. Throughout its history, NELP has relied on proven strategies that have resulted in so much success over the years: litigation; policy advocacy; research, analysis, and technical assistance in support of organizing; and publications, training sessions, and other educational activities.”

- Considered the main policy and training resource on employment issues for lawyers in the field

***National Immigration Law Center:***

[www.nilc.org](http://www.nilc.org)

- Similar to NELP, but focus on low-income immigrant issues
- Mission: to protect and promote the rights and opportunities of low income immigrants and their families.
- Litigation, but focus on empowering lawyers and activists
- Conduct policy analysis and impact litigation, provide publications, training and technical advice and training to broad constituency of legal aid agencies, community groups, and pro bono lawyers.
- Considered the main policy and training resource on low-income immigrant issues for lawyers in the field

## Europe

### *European Roma Rights Center (ERRC) (Hungary):*

[www.errc.org](http://www.errc.org)

- Works cross-nationally on Roma rights
- ERRC is an international public interest law organization monitoring the situation of Roma in Europe, and engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists.
- Litigate but not a focus, two staff attorneys of staff of 15
- Legal commentary, legal databases, documentation center
- Other activities: public policy, trainings, training manuals, support to other NGOs/professionals doing this work, publications, advocacy campaigns, legal handbooks, activist trainings
- “The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and human rights training of Romani activists. Since its establishment in 1996, the ERRC has endeavoured to give Roma the tools necessary to combat discrimination and win equal access to government, education, employment, health care, housing and public services. The ERRC works to combat prejudice and discrimination against Roma, and to promote genuine equality of treatment and equality of respect”

- well-funded, organized, and well-respected, at center of Roma rights movement

***Irish Travellers' Movement:***

[www.itmtrav.com](http://www.itmtrav.com)

- Network of organizations and individuals that works within the Traveler (indigenous Irish nomadic community) community
- Key issues include accommodation, housing, equality, and legal
- Network of Traveller organizations and publication of papers
- Legal Unit activities include: legal resource handbooks, legal education for all project, center of expertise for travelers and legal professionals working with travelers, strategic forums (brings together legal professionals, service providers, policy makers), strategic links (with law libraries, law societies, etc.), policy development and proposals, including non traditional community law organizations, training program for travelers who want to become community advocates, promoting employment opportunities for travelers in legal professions,

***Albanian Training and Resource Center (ATRC), Kosovo:***

[www.advocacy-center.org](http://www.advocacy-center.org)

- Focus on services to other NGOs and developing civil society in Kosovo
- More focused on organizational development than policy/law focused

- Activities: trainings, library (real and virtual), public events, legislative briefings, lists of outside resources, newsletter
- Offer small grants to help strengthen organizations
- Strengthen network of NGOs and sharing of information

***Counselling Centre for Citizenship, Civil and Human Rights (Czech Republic):***

<http://www.poradna-prava.cz/english/index.htm>

- Does engage in strategic litigation
- Other activities are advocacy, training, and monitoring, especially regarding discrimination against Roma
- Current project is “Fighting Discrimination: Extending Capacity of Public Administration and Legal Professionals” and will include: training manuals, seminars for practitioners, train the trainer workshops, and a litigation manual.
- Also publishes documentation including case analyses, commentary on laws, advocacy papers, and reports

**South Africa**

***National Labor and Economic Development Institute (NALEDI):***

[www.naledi.org.za](http://www.naledi.org.za)

- Focus on action oriented labor and economic research on behalf of the trade union movement

- Building research capacity within the union movement
- Workshops, seminars, conferences and briefings for union members, government ministries, members of governments, and NGOs
- Major focus is research and publications
- Formed in 1993, sponsored by the labor movement

***Centre for Applied Legal Studies (CALs):***

<http://www.law.wits.ac.za/cals/index.htm>

- University based but funded and operated independently
- Founded in 1978 in apartheid era, famous for seminars for lawyers and judges that affected apartheid-era cases, also active in writing South African Constitution
- Current focus on socio-economic rights (education, housing, access to services, health, etc), land and labor rights, gender and AIDS
- Self-identify as research and education institution, do some litigation as a last resort
- Both academic and policy oriented publications, documentation centre, rights seminars
- Very strong reputation and historic role

***International Labor Research and Information Group(ILRIG):***

<http://www.ilrigsa.org.za/About.asp>

- Focus on globalization issues

- Building capacity of labor unions and social movements through education, research, training and publication, particularly for unions but also other community based organizations
- Conduct a “global school” every year that attracts activists from all over Africa
- Unlike Naledi, funded independently and not affiliated with any particular union

## **Australia**

### ***Foundation for Aboriginal Research and Action (FAIRA):***

[www.faira.org.au](http://www.faira.org.au)

- Indigenous rights organization owned and managed by aboriginal peoples of Australia
- Created to fight the “Black Laws” that discriminated against aboriginal peoples’ basic rights
- Current major issue is land rights, also sovereignty, self-governance, health, equal pay, death in custody, etc.
- Activities: conduct and report on issues relevant to aboriginal community, audience is aborigine community, government, churches, and the public; make comments, proposals, and responses to laws that affect aboriginal peoples in Australia, advise regarding land rights cases.
- Other activities include conferences, workshops, seminars, community meetings,

- Committed to participation and leadership of aboriginal community, also have a library and community resource center
- major player in fight against legal discrimination and promotion of cultural protection of aborigines•

## Other Interesting Models

### *Appleseed:*

[www.appleseednetwork.org](http://www.appleseednetwork.org)

- Network of local centers connected by national office. Work both independently and collectively.
- National office coordinates: project collaboration, access to resources, local perspective to national issues, funding, connecting volunteers
- Focus on recruiting pro bono, top legal talent, creative policy solutions, conduct some litigation but focus on public policy, publish reports, very successful media penetration
- Issues: education, immigration, healthcare, hurricane response
- “We strive for a society in which opportunities are genuine, access to the law is universal and equal, and power is used to advance the public interest. We believe the best way to achieve big results is to work for the kind of change that levels the playing field and transforms entire communities at a time. Appleseed works at the local level, establishing and networking independent public interest law centers that identify and address issues community-by-community. As one of the nation’s largest legal

pro bono networks, our Appleseed Centers develop practical and lasting solutions to chronic injustices in public education, health care, child welfare, justice, and immigration. Appleseed connects the top private practice lawyers, corporate counsel, law schools, civic leaders, and other professionals to tackle difficult social problems at their root causes.”

- Considered to be very innovative and effective
- Don't do training

***Probono.net:***

[www.probono.net](http://www.probono.net)

- Exclusively on-line
- Resource center for volunteer lawyers, law students, legal aid lawyers
- On-line legal guides, training calendars, law libraries, model pleadings, training manuals, associated websites of related issues
- Organized by practice area and by region
- Mission is “to increase access to justice through innovative uses of technology and increased volunteer lawyer participation.”
- No policy work

***Human Rights Education Associates:***

[www.hrea.org](http://www.hrea.org)

- Entirely online education, training, and information clearinghouse

- Human rights focus, global issues
- Distance/online learning, training of activists and professionals
- Development of educational materials and programming
- Community building through online technologies
- Research and evaluation
- Clearinghouse of education and training materials (libraries, forums, databases)
- Networking for human rights advocates and educators

***PILI Public Interest Law Institute:***

[www.pili.org](http://www.pili.org)

- International focus, mostly central/eastern Europe
- Advances human rights around the world by stimulating public interest advocacy and strengthening its infrastructure
- Program areas: legal aid reform, legal education reform, promoting pro bono, building NGO advocacy capabilities
- Activities: fellowships, conferences, workshops and events, databases (i.e. Anti-discrimination law/cases worldwide, handbooks for legal professionals and activists)
- Specific Hungarian pro bono clearinghouse

***Public Interest Advocacy Center—PINACLE (Beirut)***

- Open Society Justice Initiative says: “The Public Interest Advocacy Center (PINACLE), Beirut,

Lebanon is a non profit organization founded in 2002 by a group of lawyers from the Beirut Bar Association. PINACLE is a grouping of legal professionals experienced in human rights and social justice issues, trained in Lebanon and abroad who have joined to respond institutionally to the challenges of the post-war period in the field of public interest law. Since its establishment, it is actively involved in promoting public interest and social justice issues. Specifically:

- o Promote good governance through facilitating access to information and research on legal issues to better reflect the public interest and developing proposals to reform laws, policies and procedure;
- o Develop a public interest initiative in the Middle East and Mediterranean region conducive to the establishment of a regional public interest law network.

## Appendix II

### Interviews Conducted

**Pavla Bouckova Paradna**, Program Coordinator, Extending Capacity of Public Administration and Legal Professionals Project, *Counseling Centre for Citizenship, Civil and Human Rights*, Prague, 18/6/07

**Tara Bedard**, Special Projects Director, *European Roma Rights Centre*, Hungary, 19/6/07

**Iris Lav**, Deputy Director, *Center for Budget and Policy Priorities*, Washington, D.C., U.S.A., 19/6/07

**Mariana Berbac-Rostas**, Legal Officer, Legal Capacity Development Program, *Open Society Institute Justice Initiative*, Hungary, 20/6/07

**Damien Peelo**, Executive Director, Irish Travellers Movement, Ireland, 27/6/07

**Kathi Albertyn**, Director and Professor of Law, Centre for Applied Legal Studies, South Africa, 2/7/07

## Appendix III

### Interview Questionnaire

#### Questions for Organizations

1. Please give a brief introduction to the work of the organization and your work in particular. (I've looked thoroughly at your website, so anything additional/different I should know?)
2. Who is your primary constituency? Who else uses your center? (meaning who is the audience, not who are the beneficiaries)
3. Tell me a little bit about the structure of your center. How is it governed? How are priority issues determined? Do you have members—individuals or organizations? How do you organize your programs/departments? What is the role of your online presence?
4. Can you describe the process from conceptualizing a position paper (happens internally, request from outside, etc?) that you want to write through its research, writing, publication and dissemination?

5. Can you explain the goals of your training/capacity-building programs, how you recruit participants and how you follow up with them after they have completed your programs?
6. How do you ensure that your research and publications are used effectively? How much of your center's resources are spent on dissemination to the public/media/policymakers? How would you describe the ideal balance between research/training/action/other activities? Does your center achieve this balance?
7. What measures of success or evaluation tools do you use? How well do you think they measure what you accomplish?
8. How would you describe the balance of your work between being reactive to government policy as opposed to proactive proposing solutions? How much of your resources do you put into long term strategizing about the movement? Is this the appropriate amount in your opinion?
9. How do you network/build relationships with other NGOs? How important is this to your work?
10. In your opinion, what has been your biggest contribution/accomplishment to civil/economic rights in your country?
11. What do you consider your center's greatest challenge, and how have you addressed it?
12. If you had to choose one, which service or program or activity that you offer do you think is the MOST useful? Anything you did historically or still do that

you think is not worthwhile? If you were building your center over again from the beginning, what (if anything?) would you do differently? Any advice for us as we begin?

13. Is there any other information you'd like to share with us?

## Appendix IV

**Dirasat**, the Arab Center for Law and Policy:

**Vision Statement, Mission Statement, Goals and Objectives, Strategies and Activities and Guiding Principles**

Vision Statement:

Dirasat seeks the attainment of **substantive citizenship** for Arab-Palestinian citizens in Israel at both the **individual and collective** levels. Dirasat's endeavors in this direction are grounded in the universal concepts of human rights, justice, equality and inclusion for all on the one hand, while celebrating the history and continued development of the unique identity of each group within society on the other.

Mission Statement:

The mission of Dirasat is two-fold:

1. **To influence the decision-making process at the state level** in the direction of adopting laws and policies that rest on the principles of substantive

equality and inclusion, as opposed to discrimination and exclusion. To this end, Dirasat works on identifying viable **alternatives to the existing laws and policy frameworks**, developing position papers on respective specific issues, and lobbying decision-makers.

**2. To enhance the capacity of the Arab public and its leadership to make informed strategic decisions regarding:** a. the goals to be sought if substantive citizenship is to be enjoyed; and, b. the strategies to be employed in the attainment of these goals. Toward this end, Dirasat carries out high quality **applied research** on equality and on a wide array of issues of concern – especially in the socio-economic fields – in order to identify barriers to equality and inclusion, as well as to propose alternatives to the existing state of affairs in both quantitative (formulas regarding resource allocation) and qualitative (the types of services) terms. Furthermore, it conducts **seminars, study days and trainings** to discuss the findings of the research with relevant parties as well as to develop together the specific law and policy recommendations to present to decision-makers at the state level.

Given the nature and implications of the issues at stake, Dirasat is invested in following **participatory approaches** in all phases of its work, including the setting and prioritizing of its research agenda, as well as the development of specific policy recommendations. Dirasat is also dedicated to taking **gender sensitive approaches** and on promoting policies that can positively impact the status of women and their access to rights.

## Goals and Objectives:

The overarching goal of Dirasat is to influence decision-making processes within the Arab-Palestinian community in Israel, and within state institutions, in a direction that ensures the enjoyment of substantive citizenship of all members of the community at both individual and collective levels.

### The Dirasat's operational objectives are:

- To develop and present to decision-makers (within the community and at the state level) **viable alternatives to existing exclusionary laws and policy frameworks** underpinned in the principle of **substantive equality** for all (majority-minority; men-women) while taking into consideration the community's **distinct identity and culture**;
- To encourage and take an active role in the development of the Arab community's strategic goal-setting based on an in-depth understanding of the root causes of the existing reality (exclusion, poverty and low socio-economic status).
- To enhance the capacity for strategic thinking and planning among the Arab local council leadership, especially in professional departments, with an emphasis on the improvement and attainment of socio-economic rights.
- To encourage the development and adoption of new approaches within the Arab community for attaining substantive citizenship based on participatory and democratic processes that ensure the augmentation of efforts and inclusion of all relevant parties.

## Strategies and activities:

Dirasat employs two main strategies to achieve its goals and objectives:

**A.** Enhancement of capacities within the Arab Palestinian community in making informed strategic decisions regarding the status and rights of the community.

**B.** Promotion of equitable and inclusive laws and policies while influencing decision-making processes within the Arab Palestinian community and at state level in a direction that ensures the fulfillment of substantive citizenship.

Therefore, Dirasat's main activities include:

- **Conducting applied research on equality** and on a wide array of issues related to substantive citizenship (legal, political, socio-economic, participatory rights). In order to ensure the responsiveness of Dirasat's research agenda to the needs of the community, it holds regular consultation sessions with relevant parties (academics, professionals, local and national leadership) to map and prioritize the issues to be addressed.
- **Presenting research findings** to all interested parties, at both local and national levels, through the holding of seminars, study days and larger conferences. Dirasat also encourages civil society institutions to use these research findings in their lobbying and advocacy

endeavors to promote the status and rights of Arab-Palestinian citizens.

- **Preparing and disseminating position papers** that present alternatives to existing laws and policies that ensure equity and inclusion. The development of the specific policy recommendations in these papers is based on research findings and is accomplished through participatory processes involving a multitude of concerned parties and institutions. Dirasat shares its position papers with decision-makers at the local and national levels, as well as with academics and relevant civil society institutions. Additionally, it holds conferences to discuss, elaborate and promote the adoption of the recommendations by decision-makers.
- **Providing consultation** to the Arab leadership and civil society institutions regarding substantive citizenship rights issues and strategic goals-setting in their respective areas.
- **Providing easily accessible information and research** to interested parties regarding the status and rights of the Arab minority in Israel, as well as providing extensive law and policy resources.
- **Enhancing the capacity** of professionals in pertinent fields (law, education, health, social welfare, economic development, among others) **in strategic thinking** and the development of detailed plans of action, through the provision of training opportunities and guidance.

## **Guiding Principles:**

Dirasat follows the following principles in all its interactions:

- To follow human right conceptions and principles;
- To respond to the real needs and priorities of the Arab minority;
- To take into consideration the Arab minority's distinct identity and culture and the needs of its enhancement and preservation;
- To seek the inclusion and democratic participation of all relevant parties;
- To ensure the integration of gender issues, and the following of gender sensitive approaches.

## **List of Board Members**

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**Dr. Muhamad Amara** (*Chairperson*)

*Senior Lecturer at the Arab Academic Institute for Education at Beit Berl College*

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**Prof. Ismael Abu-Saad**

*Professor in the Education Department at Ben-Gurion University*

•

**Dr. Hala Espanioly**

*Senior Lecturer at the Academic Arab College for Teacher Training in Haifa; Former  
Head of the Follow-Up Committee on Arab Education*

•

**Dr. Khalid Ghanayim**

*Professor at the Law Faculty of the University of Haifa*

•

**Ms. Ghaida Rinawie-Zoabi**

*Project Director, National Committee of the Heads of Arab Local Authorities in Israel*

•

**Mr. Hussam Abu-Baker**

*Principal of the Bi-Lingual School in Kufur Qarie'*

•

**Mr. Atef Moadi**

*Director, Follow-Up Committee on Arab Education*

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**Dr. Yousef T. Jabareen** (*General Director*)

