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WORKING PAPER

LOBBYING FOR INTERSECTIONALITY:
CIVIL SOCIETY ORGANISATIONS, THE OPEN SOCIETY FOUNDATIONS AND THE
EU's ANTI-DISCRIMINATION POLICY

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Background and research questions

- Place and role of **civil society actors** in EU policymaking: capacity to put public issues on the agenda, to propose policy ideas and instruments.
- Who/what is European civil society? (Armstrong 2002, Kohler-Koch & Quittkat 2009)
- Weaker representation of “general interest” groups (human rights, consumers rights, health, environment)
 - A main issue for Civil Society Organisations (CSOs): funding and resources.
 - Which coalitions and advocacy strategies to reach and influence the EU institutional sphere?

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OPEN SOCIETY FOUNDATIONS

- Second largest private foundation in the world (after B. and M. Gates):
\$21B expenditures since its creation (1979)
\$1,3B in 2023, in 120 countries
\$154.3M in Europe and Central Asia
1,800 staff
- Objectives: promotion of 'open societies' (Karl Popper): liberal democracy, market economy, protection of marginalized groups ('lost causes')

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OSF's action in the EU: Promoting an independent civil society

- OSF's diagnosis: civil society organizations not sufficiently autonomous to put pressure on the governments

→ Give NGOs resources to become advocacy actors for minorities in their country

"Historically, no other foundation has done more to build and support European civil society" (Alemanno 2023)

"Without the OSF, most of the anti-discrimination movement in Europe would simply disappear" (ENAR, Equinox, ARDI officers)

Calligaro (2018), "Une organisation hybride dans l'arène européenne : Open Society Foundations et la construction du champ de la lutte contre les discriminations" *Politix*, n° 121, 151-172.

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CSOs' alliances and intersectionality

In the field of anti-discrimination:

1. Networking and partnerships between CSOs facilitated by a common funder, then OSF, which acts as a **field-builder** (Bartley 2007)
2. CSOs' alliances through and for **intersectional causes**; **"advocacy triangles"** (Woodward 2003) academics-activists-institutions (OSF as facilitator)
3. The case of intersectionality: **circulation of policy ideas** from academic/activist realms (again structured by OSF) to EU policy documents and actions

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Actors of the advocacy triangles

- **Open Society Foundations (OSF)**
- **European Network Against Racism (ENAR)** , Brussels
- **European Womens' Lobby**, Brussels
- **Migration Policy Group (MPG)**, Brussels (academic/activist)
- **Centre for Intersectional Justice (CIJ)** Émilie Roig (academic/activist)
- **European Parliament** (ARDI Intergroup on Anti-Racism and Diversity)
- **European Commission** (DG JUST, Commissioner for Equality, Equality Task Force)

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Methodology

Qualitative micro-sociological survey based on:

- **documents analysis** (CSOs reports and briefings, EU grey literature, legal and policy documents, academic writings from the involved actors)
- **interviews with key actors** (OSF, ENAR, CIJ, EP)
- **participative observation** (in EP hearings, in workshops/events organized by the groups under scrutiny).

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1. EU anti-discrimination policy and the creation of ENAR

- 1997: Treaty of Amsterdam, Art. 13: action to combat 'discrimination based on sex, racial or ethnic origin, religion of belief, disability, age, or sexual orientation'
- 1998: Creation of ENAR, Umbrella Organization financed by the Commission Action Plan against Racism

ENAR is a partner of the EU in the design and implementation of anti-discrimination norms

- 2000: Race Equality Directive (Starting Line, key role of MPG)

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2. Open Society Foundations in Europe

- OSF active in the EU since 1999 (Eurozone, enlargement)
- In the EU: action focused on marginalized and discriminated groups (Roma, Muslims, migrants)



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3. OSF as field-builder

Institutionalization and professionalization CSOs



- Since 2011: OSF core-funder of **ENAR**, reform of its governance
→ ENAR is a partner of the EU in the implementation of anti-discrimination norms
- Potential limit: both partner financed by the Commission and advocacy group lobbying the EU (Johansson and Lee 2015)

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3. OSF as field-builder

- 2014: OSF funded the creation of a new Secretariat for the EP **ARDI Intergroup on Anti-Racism and Diversity**.

OSEPI (OSF lobby in Brussels) Director Heather Grabbe, political scientist, advisor to the Commissioner for Enlargement after an academic career.

- “knowledgeable but impartial actor”
- “honest broker”: “We are certainly civil society, we are not governmental and we are not traditional NGOs, so we are somewhere in-between and we are partnering a lot, both with civil society and with institutions”

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4. The OSF, advocacy triangles and the intersectional agenda/approach

- Ethnic data collection: “Equality Data Initiative” 2014, coalition Open Society European Policy Institute (OSEPI), Migration Policy Group and ENAR
- Combination of academic and activist capitals to produce a report for the European institutions:

ENAR: Representativeness, first-hand data from the grassroots organization, expertise based on field knowledge

MGP: academic/institutional legitimacy

OSF: symbolic capital (academic and social capital of its staff), Expertise based on academic knowledge, Non-confrontational’ advocacy, ‘honest brokers’, neutrality

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4. The OSF, advocacy triangles and the intersectional approach

- 2014: OSF New Leadership Grant to Joanna Maycock, new secretary General of European Women's Lobby
- Intersectional discrimination of Muslim Women – data collection, creating synergies between feminist (European Women's Lobby) and anti-racist (ENAR) CSOs
 - OSF-sponsored project "Forgotten Women: the Impact of Islamophobia on Muslim Women" (2016)

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5. Circulation of the intersectionality concept and EU Action Plan against Racism (2020)

1. Centre for Intersectional Justice (based in Berlin)

Émilia Roig – Founder and Director, "Apostle of intersectionality in Europe"
 Supervisee of Kimberlé Crenshaw ("mother" of intersectionality concept) while at Columbia Law School during her PhD.

- 2017: Creation of **Centre for Intersectional Justice**
- 2018: OSF proposes to become a core-funder
- 2018: ENAR/CIJ symposium on Intersectionality in Brussels: "How can intersectionality be mobilized by activists and policy-makers as a powerful tool for equality and solidarity?"

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5. Circulation of the intersectionality concept

2. Advocacy coalition ENAR / CIJ

- ENAR commissioned a report to CIJ on Intersectionality in EU public policies, completed in December 2019 and transmitted to the EU institutions
- 2019/2020: many interventions of Émilie Roig in EU institutions on intersectionality (EP hearing of Gender Equality Programme, ARDI workshop for the EP, for the Equality Task Force of the Commission)

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5. Circulation of the intersectionality concept

3. New political context: Black Lives Matter

- May 2020: massive BLM protests in Europe
- June 2020: Resolution of the EP (“structural discrimination”, “intersectional approach”)
- June 2020: Reaction of the Commission, DG JUST in charge of drafting EU Anti-Racism Action Plan 2020-2025 for sept. 2020.
- The Commission relied on the work done by ENAR/CIJ (2019 report)?

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5. Circulation of the intersectionality concept

4. EU Anti-Racism Action Plan 2020-2025 (Sept 2020)

- Strong similarities between the ENAR/CIJ Report and the Action Plan (vocabulary and measures)
- For the first time, a Commission document explicitly acknowledges the existence of structural, institutional and historical dimensions of racism in Europe.

“An intersectional perspective deepens understanding of structural racism, and makes responses more effective”

- Creation of an Equality Data Roundtable (including ENAR): “to examine the obstacles to the collection of data related to racial or ethnic origin and identify paths to a more harmonised approach, including on intersectional data as regards, for instance, religion or belief and gender”

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Provisional conclusions and next steps

- Intersectionality both a catalyser of CSOs coalitions (feminist, anti-racist, migrants rights CSOs) and an objective of these coalitions (the integration of the intersectional approach in policies).
- The OSF played a pivotal role in putting intersectionality at the core of advocacy strategies.
- Limits of these coalitions: ideological divides, different understandings and uses of intersectionality.
- Further explore circulation of the intersectionality concept.
 - Further investigate the institutional side of the triangle: MEPs, DG JUST, Equality Task Force

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Provisional conclusions and next steps

Preparing for a post-Soros Europe

- July 2023: OSF drastically reduced EU activities to focus in EU candidate countries (Ukraine, Balkans), Roma rights.
- Will have dramatic consequences for European CSOs
- “this quasi-monopolistic position also highlights a deeply inconvenient truth: After decades of almost unconditional support, EU nonprofits have allowed for the growth of an unhealthy dependency, making Soros’ departure even more worrying ” (Alemanno 2023)