

# Bosnia-Herzegovina and Beyond

The Role of Civil Society in Supporting  
Democratization and Euro-Atlantic Integration  
in South East Europe

**Ernst M. Felberbauer and Predrag Jureković (Eds.)**

Study Group Information



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Predrag Jureković (Eds.)

## **Bosnia-Herzegovina and Beyond**

# **The Role of Civil Society in Supporting Democratization and Euro-Atlantic Integration in South East Europe**

**29<sup>th</sup> Workshop of the PöP Consortium Study Group  
Regional Stability in South East Europe**

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## Foreword

*Ernst M. Felberbauer and Predrag Jureković*

The 29<sup>th</sup> workshop of the Study Group Regional Stability in South East Europe (RSSEE) was convened from 25 to 27 September 2014 in Sarajevo/Bosnia and Herzegovina. Under the overarching title of ‘Bosnia and Herzegovina and Beyond: The Role of Civil Society in Supporting Democratization and Euro-Atlantic Integration in South East Europe’, 39 experts from the South East European region, the international community and major stakeholder nations met under the umbrella of the PfP Consortium of Defence Academies and Security Studies Institutes and the Austrian Ministry of Defence and Sports, represented through its National Defence Academy and the Directorate General for Security Policy. The Sarajevo based Centre for Security Studies supported the workshop as the local partner.

A vital Civil Society usually is seen as an important attribute of developed democratic states. Political science literature offers a broad scope of possible definitions. Despite this, most of the theoreticians and practitioners agree that the Civil Society manifests the interests and the will of citizens by counterbalancing the policies of political officials. From the perspective of liberal democracy this means advocacy for promoting a democratic society, which respects human rights and individual freedom. Civil Society in many cases is represented by Civil Society Organizations (CSOs). They comprise varying organizations, as they are for example the so called Non Governmental Organizations (NGOs), scientific initiatives, activist groups, religious communities, charities etc. According to liberal democracy theory all of these CSOs try to promote social and political needs of the citizens, vis-à-vis the governing structures.

In South East Europe the Civil Society has found itself in a paradoxical situation during the previous period of political transition. On the one hand, South East European intellectuals and international stakeholders have pinned their hopes on Civil Society as a driving factor for positive societal and political changes and beneficial corrective to the governing

structures in the reform processes linked to the EU and NATO integration processes. On the other hand, CSOs have been perceived as not have been resolute enough in their activities during critical political phases due to a widely spread social and economic pessimism, which has characterized South East European societies.

The return of authoritarian practices in some of the South East European countries, the division of CSOs along ethnic lines as well as long time stagnation in the EU and NATO integration processes have represented additional problems for developing pro-active approaches in the field of Civil Society. None the less, the previous demonstrations in Bosnia and Herzegovina, which were caused by tremendous social and political frustration of the citizens, have given hope for some positive political changes in this country, but also in the neighbourhood.

The workshop primarily dealt with the question what the opportunities for regional CSOs are to contribute positively to democratic reforms in their countries and to Euro-Atlantic integration processes. In this regard, positive and negative regional experiences connected to CSOs were compared, focusing among others on the difficult relationship between CSOs and governing structures, in which an advising or a controlling role of the CSOs can prevail. Further, the role and the motives of international stakeholders as facilitators and financiers of regional CSOs were analyzed and discussed.

The following key questions constituted the framework of discussion and debate during the workshop and thus also structure the contributions from the panels in the following pages:

1. To which extent do CSOs in South East Europe contribute to democratization and Euro-Atlantic integration? Through which means can their impact be improved or optimized? Which forms of CSOs are prevalent in South East Europe and what is their relevance at the national, regional and European level (positive and negative examples)?
2. What is a realistic estimation of the intellectual and organizational capacities of CSOs to influence substantially political reforms and

to cooperate effectively at the national, regional and international level (e.g. CSO platforms, EU funded regional projects etc.)?

3. Should CSOs primarily be a ‘watchdog’ to the government and oversight its activities or provide concrete support for designing policies? Are CSOs in South East Europe based on a ‘civilian culture’? Can CSOs counteract state dysfunctionality and authoritarian political behaviour, which in parts of South East Europe still represent a problem for consolidation?
4. How do the governing structures perceive CSOs and how do they approach them? What is the level of participation of CSOs in drafting relevant policy documents (state strategies, action plans etc.)? Is there a proper role for CSOs in the process of official negotiations with the EU?
5. How transparent are South East European CSOs in their work and what are their merit principles?
6. Through which means do international actors (e.g. EU, USA) support CSOs in South East Europe? Are changes in this field necessary? Do the EU and the US share the same priorities in regard to their support of CSOs?

Part I of this publication takes a closer look at the difficult situation of the Civil Society in Bosnia and Herzegovina, which as a state and society is still highly fragmented. In part II, the regional dimension of the role of Civil Society organizations is analyzed by various authors. The role of international stakeholders for strengthening the Civil Society in the post-war contexts of the Western Balkans is the focus of part III. Finally, the recommendations and findings of the Study Group are summarized at the end of the publication.

The editors would like to express their thanks to all authors who contributed papers to this volume of the Study Group Information. They are pleased to present the valued readers the analyses and recommendations from the Sarajevo meeting and would appreciate if this Study Group Information could contribute to generate positive ideas for supporting the still challenging processes of consolidating peace in South East Europe.

Special thanks go to Ms. Maja Grošinić, who supported this publication as facilitating editors and to Mr. Benedikt Hensellek for his stout support to the Study Group.

## **Abstract**

The publication to the 29<sup>th</sup> Workshop of the Pfp Consortium Study Group 'Regional Stability in South East Europe' entitled 'Bosnia-Herzegovina and Beyond: The Role of Civil Society in Supporting Democratization and Euro-Atlantic Integration in South East Europe' – convened in Sarajevo, Bosnia and Herzegovina from 25 to 27 September 2014 – deals with opportunities for regional Civil Society Organisations (CSOs) to contribute positively to democratic reforms in their countries and to Euro-Atlantic integration processes.

The return of authoritarian practices in some of the South East European countries, the division of CSOs along ethnic lines as well as long time stagnation in the EU and NATO integration processes have represented problems for developing pro-active approaches in the field of Civil Society. None the less, the demonstrations in Bosnia and Herzegovina in Spring 2014, which were caused by tremendous social and political frustration of the citizens, have given hope for some positive political changes in this country, but also in the neighbourhood.

At the workshop, positive and negative regional experiences connected to CSOs were compared, focusing among others on the difficult relationship between CSOs and governing structures, in which an advising or a controlling role of the CSOs can prevail. Further, the role and the motives of international stakeholders as facilitators and financiers of regional CSOs were analyzed and discussed.

## **Zusammenfassung**

Die Publikation zum 29. Workshop der Studiengruppe des Pfp Consortiums 'Regional Stability in South East Europe', der vom 25. bis 27. September 2014 in Sarajevo, Bosnien unter dem Titel 'Bosnia-Herzegovina and Beyond: The Role of Civil Society in Supporting Democratization and Euro-Atlantic Integration in South East Europe' fasst die Ergebnis der Diskussionen zur Rolle und Funktion regionaler Zivilgesellschaftsorganisationen nach den Unruhen in Bosnien im Frühling 2014 und deren Funktion für die Stabilisierung des Westbalkans zusammen.



**PART I:**

**BOSNIA AND HERZEGOVINA:  
PINNING HOPES ON CIVIL SOCIETY**



# Bosnia and Herzegovina: Pinning Hopes on Civil Society

*Žarko Papić*

## Civil Society in BiH

It is very difficult to estimate the real potential of CSOs – focusing on NGOs. They are registered as citizens' associations and foundations, which means that there are estimated 12,000 citizens' associations in BiH including sports clubs, NGOs focused on protection of disabled veterans, hunting organisations, associations of stamp collectors, etc. The number of CSOs in the real, modern sense is almost impossible to verify and it is definitely a lot smaller than the registered number of citizens' associations in BiH.

Within that section of the NGO sector, there is a need for a critical analysis. Many different aspects can be seen between the quantitative indicators regarding the development of the NGO sector/media, and the actual civil influence they have on BiH society. This imposes a significant question – do we have a Civil Society in BiH? Or do we have its 'quantitative' illusion, with no civil character and, therefore, a small influence on social occurrences?

*If this hypothesis is true, the three main reasons for it would be*

1. The Civil Society in BiH has, since the war from 1992-1995, developed under the crucial influence of international support policies, i.e. foreign donors. The logic of this kind of support 'industry' as a concept of international support policies<sup>1</sup> was also implemented in providing support to the development of the Civil Society<sup>2</sup>.

A large number of local NGOs were formed as a result of the donors' need to have a local counterpart during the implementation of their projects.

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<sup>1</sup> See more in: OSFBiH (ed. Papić, Ž.). International Support Policies to South-East European Countries – Lessons (Not) Learned. Sarajevo: Muller, 2002.

<sup>2</sup> See: Sebastian, S.: Assessing Democracy Assistance: Bosnia. FRIDE report, May, 2010.

This was no support but, in fact, an obstacle to the development of the BiH Civil Society, most of all because:

- Local NGOs were not even aware of the real mission of Civil Society or the ‘civil culture’;
- They failed to establish tangible relations with the citizens because their projects were donor-driven, instead of being a response to people’s real needs;
- NGOs developed as interest groups or professional NGOs, with no actual membership.

All of this contributed, not to the development of a Civil Society and an NGO sector as its extremely important part, but to the formation of an ‘NGO elite’. On the other hand, it these practices significantly reduced the possibility of building sustainable, independent Civil Society organisations.

An ‘NGO elite’, now in the positive sense, is made up of a relatively small number of organisations and NGO development programmes dealing with policy development (sometimes in cooperation with the governments), monitoring government inefficiency, forming NGO networks in order to spread the idea of the ‘real’ Civil Society, etc. In this context, there are no problems in cross-entity cooperation of CSOs, for example, all CSO networks are cross-entity.

They have a very large presence in the media and are considered to be the ‘civil opposition’ and are often the subject of extreme attacks such as being referred to as ‘traitors’, ‘foreign agents’, etc.

The main issue is the fact that they have a hard time mobilising citizens and articulating their interests in a way that will encourage them to move from the state of apathy. That is a specific form of ‘civil academicism’ without any real influence either on the governments or on the mobilisation of citizens.

In 2012, CSOs/NGOs received funding from local budgets (data for all budgets in BiH, from the municipal to the state level) in the amount of 100 million BAM (around 50,000,000 Euros). The sum has been declining since

2008 (118 million) and 2010 (114 million). It is interesting to look at the distribution of those funds across different types of NGOs: in 2012, 38.9% of the final amount was given to sports associations, 15.2% to NGOs focusing on disabled veteran's protection, 11.5% to NGOs dealing with social issues, while the other types of NGOs received 34.4%. In total, 64 million BAM (64%) was allocated without a public tender, meaning that those NGOs are directly incorporated into local budgets (twice as much as in 2010).

On the other hand, international financial assistance to CSOs is continually decreasing and, according to estimations, amounts to less than 1/3 of local budget funds at an annual level. For CSOs in BiH, however, it is a bigger problem that the call for proposals criteria for projects tend to be, *de facto*, 'designed' for large international organisations or consulting companies. For example, it is often required that NGOs provide their own funds in the amount of 10% of the requested budgets, which local 'non-profit' organisations cannot provide. It would take a separate round table to discuss the topics of 'International Approach towards BiH CSOs'.

2. With the decline of donor support to the development of the Civil Society, many local NGOs shut down. On the other hand, the process of transition of NGOs from international to local sources of funding had started. Relying on local donors has its good and bad sides.

Its bad sides are a direct consequence of the interest character of a large number of NGOs. Namely, we are referring to a phenomenon that can be dubbed 'governmental non-governmental organisations', i.e. the part of the NGO sector that is financed from public budgets (mostly without tenders or a description of planned activities), and are fully politically oriented to support governments. Predominantly, they are NGOs that claim to represent those parts of the population that were most affected by the war.

The good side of the aforementioned transition can be seen in a large number of NGOs that are active in the social sector. We refer mostly to 'grassroots' organisations that are active in their local community – municipality. Most of them were 'overlooked' by donor aid, which made them focus early on cooperation and partnership with public institutions and activities aimed at beneficiaries' real needs. Their sheer focus on social pro-

tection and services requires tangible support activities to those in need. This means that the nature of their area of activities has oriented them towards expressing the interests of the citizens, 'pushing' them towards the basic values of Civil Society.

3. The media are experiencing an almost identical process, especially the independent media. In this case, an enormous number of media does not seem to reflect the change of public awareness that is still dominated by ethnic enclosure and exclusion.

Financial support to media was very significant after the war, especially in regard to founding and sustaining independent print media. This long-term support did not lead to sustainability of independent media or a rise in the number of sold copies for several reasons.

With the drop in external support, facing the extremely rough media market of BiH, the only solution for maintaining economic existence was advertising (private and public companies). Owners of private companies and political mentors of public ones did not stand for criticism. This influenced the reduction of media space for criticism of corruption, illegal privatisation, etc.

Political parties also have a noticeable influence on the media in BiH.

The question: 'What is to be done?' is easily answered. Civil society organisations should be reformed in such a way that would allow them to become the agents of development of Civil Society as a whole.

We can distinguish between two major directions of reform of the NGO sector:

- Partnership between NGOs, their networking based on concrete, either sectoral or activity areas. Here we do not refer to networks such as they are, that resemble discussion panels without any real activities, but to action-oriented networks dealing with concrete issues. That is the best mechanism for strengthening NGOs' capacity to influence governments and the public. In this context, it is highly

important to initiate regional cooperation and networking of CSOs, especially NGOs.

- Partnership with public institutions, municipalities, cantons, entities, BiH state organisations, especially in regard to social inclusion. Speaking in post-'68 terms, the solution is to 'walk through institutions', inject civil character into their functioning. In this way, the influence of the Civil Society on BiH's development will be strengthened.

## **Civic Activism in BiH**

The protests of BiH citizens which took place in February, 2014 happened spontaneously and with the help of social networks, independently from an active part of well-established NGOs. The main NGOs supported the February protests, but did not take an active part (with a few exceptions among minor NGOs).

The protests, their self-organisation in plenums, political demands and awakening the civic awareness showed a better side of civic character. They represented a direct criticism of the trade unions and large CSOs. The future of Civil Society in BiH relies on them.

### *Act one – Babies in front of the Parliament*<sup>3</sup>

The first wave of the protests took place in early June 2013, as a reaction to not passing the law on citizens' unique identification numbers (CUIN) and the death of one baby who did not have a CUIN and could not therefore obtain the necessary documentation to be medically treated abroad. Thousands of citizens blocked the building of the Parliamentary Assembly of BiH and the Parliament inside it. The civic protests, peaceful by nature, invoked a turbulent political reaction mainly expressed through theories of BiH institutions located in Sarajevo being endangered and the political cri-

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<sup>3</sup> See: Kazaz, E. Papić, Ž. Dmitrović, T. 'Political, Economic and Social Crisis in BiH 2014/2015: Protests in BiH - What Will the Governments' Suppression of the Demands and Energy of the Citizens Lead To?'. Initiative for Better and Humane Inclusion (IBHI), Sarajevo, June 2014.

sis caused by Republika Srpska representatives and part of the Croatian representatives refusing to their ministries and both houses of the BiH Parliamentary Assembly.

The political elites responded to the civic protests by an out-of this-world level of arrogance and boycotting their own legislative and executive duties which should, by definition, be in the service of the citizens. The government did not understand the protests.

*Act two – workers and citizens in the streets throughout BiH*

The long-term protests against the governments in BiH, which lasted for several months, started with peaceful gatherings of workers in front of the Government of the Tuzla Canton in early February 2014 and quickly, in just a day or two, expanded to a series of major cities in the Federation of BiH: Sarajevo, Mostar, Bihać, Bugojno, Travnik, Goražde, Tešanj etc., but also Brčko District in which the protests, seen as a social uprising, served as a one of a kind cross-entity, or even cross-ethnic link, if one insists on looking at them from that perspective. The Cantonal Government of Tuzla initially reacted to the protests of its workers through ignorance, just as it reacted to all previous workers' protests, but after they saw that the workers' protests are being joined by groups organised through social networks, the government was intimidated by the sheer numbers within the civic uprising and authorised its police forces to use excessive force.

As a sign of support to the protesters in Tuzla, peaceful protests were started in Sarajevo, followed by Zenica, Bihać and Mostar. Ultimately, the demonstrators responded to the excessive use of force by the police by furious conflicts on 7 February and burning the buildings of cantonal governments in Tuzla, Mostar and Sarajevo, where the building of the BiH Presidency was also burned, while in Zenica and Bihać the cantonal governments' headquarters were merely stoned.

In order to explain the violence which occurred in the protests, it is important to consider the nature of the previous wave of the dissatisfaction of workers and citizens. The workers, which were deprived of their rights and robbed in the criminally implemented privatisation, spent many years advocating for their basic, legally guaranteed rights: linking service, payment of

their social security contributions, payment of salaries which they had not received for years, etc. through different forms of peaceful strikes, even self-harming hunger strikes. The citizens, who were unhappy with the work of political oligarchies, their excessive accumulation of wealth and privilege obtained by passing legislative measures enabling them to privatise the entire state apparatus, protested in similar ways. The social discontent, which was ignored by the governments or channelled through manipulative promises to serve political purposes, or even used for shifting blame between parties, accumulated for almost two decades in order to finally shape up as 'lumpen proletariat' social rage pressed through violence in the protests. To that we must add the fact that the governments instrumentalized trade union managements and successfully divided the trade unions into a series of branch unions, thus disabling the legally regulated mass action of the workers to achieve their guaranteed rights. Simply put, years of ignoring the dissatisfaction of the workers and citizens boomeranged back to those in power, after which they had to find new models to manipulate that dissatisfaction and abuse it for their own purposes.

If the political crisis present since the 2010 elections is added to this, it becomes clear that the social dissatisfaction and growth of social rage are worsened by the disillusionment of the citizens regarding the so-called social democratic parties in power, firstly the SDP in FBiH but also the SNSD in Republika Srpska. These parties did not guide their policies in accordance with the norms of social justice, but towards inflaming the political crisis and the leader-ocratic and partit-ocratic principle of governance. The SDP particularly failed the expectations of the citizens when, after finally being elected in power, it produced the biggest crisis in the government, with apparent nepotism, continued corruption and suspected criminalist governing methods, instead of stabilising the country and enabling its economic recovery.

All the preconditions for an outburst of social rage were fulfilled in early 2014: years of ignoring the dissatisfaction of the workers and citizens, continued political crisis, the growth of economic crisis, continued leader-ocratic and partit-ocratic governance, further extreme accumulation of wealth of the political elites and their tycoons, increased unemployment, increase of general poverty, leading the country into debt slavery and, worst of all, the endless arrogance of the rulers who have done nothing but rear-

range one level of governance or another since the last elections. Therefore the only thing left to ask was what will the protests look like, when they will happen and how big they will be. The partial protests which occurred earlier evolved into mass and, more importantly, long-lasting protests over night, to be transformed into an institutionalised form of civic rebellion by the organisation of plenums.

Any discussion pertaining to the participants of the protests must consider the weight of their results, although at first they may appear not to have any. The protests fully de-masked the current governance system since they were directed towards all political elites, both the vaguely defined position and the opposition (whatever the word *opposition* stands for in the Federation of BiH where practically every party is in some level of government, one way or another). This characteristic of the protests demonstrates that the participants of the protests have a very clear position – this or that political party alone is not what is ruining Bosnia and Herzegovina, it is politics and the described principles of governance. Furthermore, social issues and the principle of social justice finally became the main political issue, for a while at least, in the country where the governments' main occupation was always producing different types of ethnic-based conflicts and political crises. The protests also articulated, for the first time massively and in the broader social context, the issues of criminal, marauding privatisation and the accountability for it, as well as issues of the rulers' immediate political and moral responsibility for it, not just legal responsibility which never functioned anyway. Such powerful protests articulated old issues and social problems in a new way, transforming them into a social conflict with the governments. On the other hand, the ethnic conflict policy which was projected by partisan managements, did not, at least for a while, become dominant in the public space, which should be seen as the long-awaited inception of a new social consciousness among the citizens of Bosnia and Herzegovina.

Other results of the protests should not be disregarded. What was, until recently, unimaginable in the transition BiH happened in just a few days: several cantonal governments resigned under the pressure of civic rage and protests. In a very short period, the governments of Tuzla, Zenica-Doboj, Sarajevo and Una-Sana Cantons fell, despite a lot of resistance from the cantonal rulers. Until then, governments fell mostly due to deceptive rear-

rangements of parliamentary majorities and the brutal struggle for power of partisan oligarchies.

*Plenums – Immediate democracy at work or Civil Society in action*

After several days of protests, the citizens self-organised into plenums as a form of immediate, direct democracy. In spite of all attempts of political parties to manipulate them or insert provocateurs, the plenums remained and preserved their original nature as a direct articulation of the interests of the people, those who are deprived of their rights, unemployed and poor. On the other hand, contrary to the well-established Civil Society organisations and the 'NGO elite', they showed the true face and possibilities, the essence of Civil Society, which represents by all means true civic activism.

The protests and plenum changed the nature of political life in BiH and gave it a new, directly democratic character. All those who ignore that, or forget it, as our political parties surely will, will burn in their own historic stupidity and incompetence.

*Government vs. protests and plenums – The unbearable lightness of manipulation for your own detriment*

All in all, in the protests and plenums the citizens showed that they have far more management skills than the rulers, but also that their demands and suggested measures are realistic, quickly enforceable and can represent a serious introduction to resolving the social and economic crisis. Despite singular instances of 'wandering' and not being familiar with jurisdictions of individual governance levels, as well as some demands being misplaced, it can be concluded that the citizens of BiH showed exceptional social responsibility and a high level of civility, especially through the work of plenums as a model of direct democracy.

Simply put, the citizens' apathy which was present earlier suddenly proved to be a long-term accumulation of social dissatisfaction, whereas the lumpen proletarian form of violence shown in the early stages of protests evolved into a highly civilized model of direct democracy through the work of the plenums. The plenums are, simultaneously, the most precious result of the civic rebellion which happened early this year which managed to

maintain the tensions of the rebellion for a long time (extremely long in the Bosnian and Herzegovinian circumstances of social deterioration). It should be noted that the citizens of Zenica, Tuzla, Mostar, Bihać and Sarajevo protested in the streets throughout February, March, April and even May, while the plenums operated daily in February and the first half of March. The plenums remain as a novelty in Bosnia and Herzegovina, an organisation form that can be reconstituted at any time, either through social networks or in other ways.

Regarding the rulers' reactions to the protests, the first thing to underline is the initial complete lack of orientation in all levels of governance and all political oligarchies, as well as their failure to understand the extreme situation built by the protests. The governments relied on the previous model – ignoring the protests, believing that there is not enough social energy to start a massive rebellion of the citizens. Afterwards, the initial disregard was quickly replaced by open threats with police force and taking the strongest police forces into the streets, which was followed by the excessive use of force, first in Tuzla and then partially in other cities. However, the accumulated social rage proved to be much stronger than anyone could assume, which resulted in the citizens simply shattering the police forces on 7 February 2014 and setting the aforementioned buildings on fire.

On the other hand, violence from the side of the demonstrators is definitely objectionable. At least two questions can be posed in that regard: Who is to blame for the culture of violence in which young people of BiH live today and for the sense of insecurity which we all feel, of being faced with either 'small-scale' street crime or crime on a larger scale? Equally importantly, we must emphasize that violence has been exerted over the citizens of BiH, especially its workers, since 1996 – from the marauding privatisation to the metastasized corruption. One thing is certain: the citizens, young people and workers are not the ones to blame, and the governments will not be able to escape from their responsibility any more.

The second question is: Whom did the violence suit, especially the burning? It definitely did not suit those who protested for their rights and expressed their outrage, but those who needed an opportunity to switch blame or the protests and intimidate potential future demonstrators.

When it comes to violence, we will probably never know exactly what happened and how.

Analytically speaking, it is interesting to observe that:

- Government representatives, especially the highest ranking officers of the FBiH Police, started shifting blame on the very first and second day of the protests – the cause of the protests is not important, the violence is what is important.
- This was followed by labelling violence occurrences as terrorism, destruction of the constitutional order and the announcement of major arrests, from the perpetrators to the organizers and logisticians. Except for a couple one-month detainments, these were nothing but idle threats.

The ‘million dollar question’ is whether the police really is that incompetent or it is perfectly aware of who benefited most from the violence in order to shift blame, intimidate the citizens and preserve power?

*For whom the bell tolls*

The fact that local politicians ignore these demands and have already manipulated them shows that social rage will continue to accumulate while its next escalation cannot be safely predicted at this time. One thing is for sure – the unanswered demands of the citizens and inexistence of reforms within the state, as well as within political parties, will lead to further strengthening of the social, economic, political and any other crisis. De-masked political oligarchies cannot wear a new mask to meet the increasing social demands and a transformed social awareness. If we consider the fact that the plenums and citizens may self-organise once more at any time, a new outburst of social rage is to be expected. The only question is when it will happen and at what scale and character.

### **Elections on 12<sup>th</sup> October 2014 – Is Change Possible?**

There is a general consensus that any significant political change completely depends on a large voter turnout rate in the October 2014 elections. Political change means a replacement of the ruling political parties.

In order to understand the problem, it is important to reflect on the 'real' political system in BiH, the nature and structure of the ruling parties.

In simple terms, they are not political organisations in the usual democratic sense which have a programme, concepts and political orientation. They fit better in the definition of interest groups which are organised similar to 'cartels' with a 'godfather' as their head who rules autocratically over 'his party'. After the elections, political parties share the 'election cake', divide management positions in different levels of governments, public companies, etc. of which there are around 25,000. In the second round, that division reflects through employment of 'party soldiers' in different positions from officers to chauffeurs.

The public sector of BiH (administration, education, health) employs around 185,000 persons, public companies (from the municipal to all other levels) employs around 38,000 persons, which makes up around 223,000 employees/voters. A large portion of them will vote for the parties currently in power, not because of their political programmes, but because they gave them jobs which they are afraid to lose if the 'new ones' come into power. Of course, they will also determine who their families, relatives, friends will vote for.

I will also consider the significant number of private companies which work in the production public sector; we come close to 1,000,000 votes which make up most of the 'defensive wall' of the parties currently in power.

The usual turnout rate in BiH is around 55% of all registered voters. That includes the above described 'partisan army' so the ruling parties can count on a slight decrease or increase in their government participation.

In order to reach serious change, around 65% of all registered voters in BiH must vote in the upcoming elections: the young, the poor and the unemployed.

CSOs must venture into a 'everybody vote' campaign. Today, that is the most important issue of 'civil culture', the future of BiH, support to democratisation and Euro – Atlantic integrations.

# **Bosnia and Herzegovina: Big Politicians and Thwarted Civil Society**

*Miloš Šolaja*

The Civil Society in Bosnia and Herzegovina is absolutely undeveloped and does not provide an adequate influence on the political process and for designing policies. Although it has a long history and tradition, it is basically very weak. The Civil Society has not succeeded in developing many internal features which are necessary to establish a really influential network of organizations and activities to become an influential and powerful force able to increase the level of democratic discussion and to create public awareness about the ability to impact social processes for possible changes.

In regard to the Civil Society Organization, their internal organization, goals, relationships which institutions and decision making processes are of utmost importance in order to recommend proper policies and initiatives to upgrade a general stage of social changes in order to achieve post-socialist transitional goals – democracy, market economy and rule of law.

Burdened by the huge resistance in the political process, the Civil Society has been emerging as not influential enough to realize itself as a key stake holder. Consequently faced with a lack of experience in democratically developed civil-military relations, it could not have realized any effective influence on stake holders in the security area as well. That imposes the necessity to re-examine all practices in the field of functioning democratic institutions and establishing Civil Society. The latter is one of the most important processes for the undeveloped society in Bosnia and Herzegovina's society.

## **Introduction**

Bosnia and Herzegovina belongs to the numerous groups of post-socialist countries that have been transforming its internal values from being initial based on collectivist and traditional vertical structures of power to regulatory social environment as the main characteristic of liberal democratic socie-

ties. The post-socialist country BiH jumped from the system of planned economy to a Western-type of market economy, from the one-party political system to multiparty democracy, from directed society based a biased ideology to self-harmonized society based on an influence of values. The new political system has been an absolutely different form from the previous one! A direct jump from central planning to a neoliberal economy and the intention to hand over so called 'state property' to a neoliberal economy of private ownership brought the breakdown of the social mechanisms and pushed society in an environment of uncertain functioning, weak political systems and rough privatization.

Bosnia and Herzegovina, which even in the period of socialist Yugoslavia was perceived as 'the absolutely undeveloped republic', was plagued by fast and rough re-distribution of political and economic power. The result has been an interesting symbiosis between old communist political cadres, who simply re-invented themselves as nationalistic leaders and a primitive, criminal bold 'new economic class' which fired obsolete 'socialist' managers that did not know how to make business in the process of the new clandestine economy. The transitional process got out of control and ended up in total confusion. BiH's society is divided into three 'national societies', roughly oriented to confrontation and the entire country sank in to the four years lasting ethnic, national and religious war.

In the post-socialist development only a re-distribution of political power has taken place in Bosnia and Hrzegovina. This has not been to the benefit of the population but has been more in favour of changing the control over economic wealth by the 'new transitional class' and be accommodating the social structure according to their interests.

The experience with an institutional framework dedicated to the development of a Civil Society in socialism was very poor. Formations of associations of citizens were very precisely launched in order to serve as ideological transmission means of the ruling bureaucratic cliques so reach their political goals. The term 'Civil Society' has been even assigned to something opponent, like an enemy.

In such a political environment, real Civil Society organizations seemed to be superfluous. They were used by Communist Party either as a tool for

achieving political goals and its shadow organizations or as the means of formal cooperation in international cooperation.

A real impact of the CSOs on the decision making process was not wishful and did not exist.

### **Traditional Preconditions for the Development of Civil Society**

Bosnia and Herzegovina definitely started its transition as the poor inertia of two processes: The first was the demission of socialism with its one-party political system and collectivist values and the second was the self-definition as a state in the process of breaking up of Yugoslavia. For both of them BiH was not prepared, particularly because of the fact that its main features were multi-ethnicity and its multi-religions society. As in some of the other post-socialist transitional countries also in Bosnia and Herzegovina ethnical and national diversities came to the front of the political scene and shaped the process of political transition which was accompanied by changes in the economy sphere. An immature political culture could not initiate the ground for real democracy.

If we take into account the modest democratic experience in the first half of the 20<sup>th</sup> century and the formal one-party elections in the second and if we neglect the first democratic elections 1990 (which were a sort of a national census), the first real democratic elections in BiH were held after the war in 1996. Since 1996, the country had thirteen rounds of different types of multiparty elections but still has not reached a full democratic capacity. Instead of appropriate constitutional changes that might have enabled a functioning framework, Bosnia and Herzegovina sank in to collective consciousness. This was nationally-based which has dragged the country into permanent internal conflict.

The three national communities (Bosnians, Croats, Serbs), which have been sharply divided have formed their own 'quasi' or 'phantom' unrecognized 'states'. National elites emerged dominantly from former local communist leaderships and impede any sort of democratic life as well as opposition policies and any type of Civil Society activities. Political pluralism has been reduced to 'ethnic pluralism'. As professor Vukašin Pavlović claims 'When conflict of national identities cross over some tolerance threshold ... its

resolution in a framework of ‘normal’ politics assumed as harmonization of different interests would have become very difficult<sup>1</sup>.

Along with the absolute absence of a democratic political culture in Bosnia and Herzegovina, the International Community<sup>2</sup> undertook decisive actions in order to achieve peace in BiH. Like the Civil Society which was considered the state enemy in socialism, many nationalist leaders also assumed it as the threat for their interest to keep political power as the ground for gaining economic power and grabbing enormously huge wealth. For the majority of population, particularly in the very beginning, some indicators of ‘transition’ were looking like as a restoration of the ‘wild stampede capitalism’ of 21<sup>st</sup> century. So neoliberal democratization and economic reform have been to an immoral plunder privatization and nepotism.

After the war, BiH was characterized by the intention of various actors to build peace. A very narrow assumption of liberal democracy has not succeeded in avoiding further ethnification of the three-national communities power-sharing model that is based on ethnicity has become the crucial principle of governing. From the standpoint of local political officials such a model does not need any principal democratic intervention in a space of privileged national elites.

Because of the low level of democracy, selfish interests of national elites, an inadequate model of political transition as well as a culture of violent conflict resolution, the so called International Community representatives are among the key factors to initiate democratic progress. Almost all policies and programs of international organizations that are present in BiH include the foundation, organization, engagement and financing of Civil Society organizations. The international actors deeply believe in the revitalization of the concept of Civil Society which could contribute to overcome the state of uneasiness in BiH. Developing Civil Society has been accepted as one of the key parameters to enhance society in Bosnia and Herzegovina in all aspects of life. Moreover, it was presented as a *conditio sine qua non* for

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<sup>1</sup> Pavlović, Vukašin, 2009, *Civilno društvo i demokratija*, Beograd, Službeni Glasnik, pp 201.

<sup>2</sup> International Community – very diffused term that assigns International Organizations like United Nations, European Union and NATO as well as great powers as from the West As Russia from the East of Europe.

developing liberal values and increasing the social capital of a community. Why is Civil Society so important for the community development? Neither the improvement of executive power and governing institutions nor only the turn out of elections is sufficient enough to realize the concept of liberal democracy. It would be more important to emerge 'active citizens' who participate in creating the public opinion by defining, expressing and addressing the interest of the citizens as well as by designing efficient policies.

The Civil society in BiH draws some legacy from the 21<sup>st</sup> century, some from the period of the two world wars as well as some experiences from the socialist time.

These trends were renewed in the beginning of 90's even more after the Dayton Peace Agreement was signed. The most important difference compared to earlier times was that after 1995 different types of nongovernmental organizations have started flourishing and keeping ethnic/multiethnic dichotomy with some transitional forms.<sup>3</sup> In 1998 542 NGOs registered in BiH out of that 378 in the Federation of BiH, 164 in the Republic of Srpska. The current number is hard to provide, estimations for 2014 are between 12,000 and 14,000 NGOs, but less than third could have been characterized as really active. They also include NGOs which represent war veterans, war victims and invalids, missing persons etc. Some are partners to state institutions + like different professional associations employers' associations, trade unions and economic chambers which might have been very influential in designing policies, in directly lobbying for laws.

Other NGOs follow elitist, cultural or charity goals. Among the Civil Society there are also sport associations and others. Another type of categorization is connected to the funding and financing background: some of them are genuine domestic, others are either internationally funded and financed or exclusively supported by states and institutions from abroad.

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<sup>3</sup> Ismet Sejfića, (2008), *Historical Preconditions and Current Development of Civil Associations in BiH*, Sarajevo, Friedrich Ebert Stiftung, pp. 110.

## Democracy and Civil Society Relationships

In the first period after the war, the (re-)establishing of Civil Society in BiH looked like a process of transforming previous old-fashioned institutions and accommodating them to a new liberal democratic environment. As a consequence, a bulk of Civil Society institutions has appeared as a colourful scale of companies, trade unions, media and of course organization which we colloquially name as ‘nongovernmental’, abbreviated ‘NGOs’.

Although many of them followed ‘old’ values of ‘social’ (the term as former replacement for ‘civic’) activities very soon the majority of them became dominantly money-oriented. At the same time, with the exception of some think-tanks, a vast majority became a ‘one man shows’ with the goal to raise funds as high as possible. Funding dominantly came from international sources dedicated to the development of democracy and economy in BiH. Behind good projects and programs, the majority of cases were not sincerely oriented to the formally posed objectives. As a consequence, the International Community wasted a lot of money without achieving the expected effects.

According to the Freedom House National in ‘Transit indicators’<sup>4</sup> the level of democracy in BiH is very low and BiH belongs to the type of semi-dictatorship regimes due to a ranking of 4,43<sup>5</sup>. Even Civil Society indicators are better than the average democracy indicators particularly in the field of media. A satisfying level of democracy has not yet been reached. The International community had complete trust in the ‘transformational power’ of CSOs in terms of pluralism, market economy and tolerance.

In order to speed up the development of liberal democracy, Western countries did not expect regressive processes in regard to Civil Society. Particularly the ruling political parties which partly follow old political cultures of taking opposed or different opinions as ‘enemy activities’ still seem have problems to accept critical fully CSOs. On the first step of creating a liberal

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<sup>4</sup> Indicators are from 1 to 7. The higher the mark, the worse in the specific situation. BiH is in the second half in regard to six of the indicators (all except Civil Society).

<sup>5</sup> <https://freedomhouse.org/sites/default/files/Data%20tables.pdf>, last accessed on 3 December 2014 at 20:56.

environment based on the principle of self-initiative and freedom of broadly associating citizens of Civil Society, represent basement of modern democracy that means important content of any democracy regime.<sup>6</sup>

The citizens' engagement has been seen as an important means for stabilizing the post-conflict society, for enhancing mutual understanding and revitalizing common life and multicultural environment. The post-conflict society has been captured in a lack of trust and of ideas, without any perspective for progress. The inclusion of citizens in the political process would have relaxed national and political tensions by enhancing communication, enterprising by increasing values, promoting trade as well as internal and international cooperation. The main goal has been to create a critical mass for a 'public opinion' that might have had impact on decision making. In the scope of the post-Dayton crisis management and the initial development of a democratic process which has been paralleled by defence reform, international and local experts have joined the Civil Society as ultimately important actors in a process of building security. Bearing in mind that 'democracy' means much more than mere elections, the Civil Society appears as active public engagement either individually through intellectual activities or their associations. CSOs which are focusing on structural goals differ from political parties and politicians. Their discussions on public resources and policy designs in representative and executive institutions might have been combined with the development of citizen's associations, business, media and other. Usually it is not the interest of CSOs to gain power, but to provide of active participation aimed at providing a public opinion as a means of active participation in public affairs.

A main benefit of Civil Society activities is policy designing and strategy developing on behalf of public interests as alternate solutions in significant areas of life such as education, economy, culture, sports and charity or healthcare. Many analysts try to stress the societal role of NGOs: 'Non governmental organizations have huge importance for the social policies of developing countries in order to serve to population's necessities, because the modern clumsy state could not have answered all citizens' needs so

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<sup>6</sup> Bajtal, Esad (2009), 'Pacifijski potencijali civilnog društva' In: '*Civilno društvo: promocija dijaloga*', Sarajevo, Žene ženama, pp. 35.

handing over of its own programs to Civil Society.<sup>7</sup> The importance of Civil Society in post-socialist transitional countries has been raised. The reasons for empowering Civil Society Organization are that they are dominantly needed for the economic and political transformation process in order to reach the standards of liberal democratic societies. The process of economic restructuring and institutional accommodation of institutions created a good soil for launching and for the growing of Civil Society. This has been absolutely in line with the intentions of the international community to build up a liberal economy and a stable political frame as fast as possible. That process must not be dependent solely on pressure of international stakeholders but it has to embrace synergy of citizens' interests, ideas and initiatives.

### **International Stakeholders and Civil Society Organizations**

In the first period of post-conflict reconstruction in Bosnia and Herzegovina there were a lot of investments in NGO projects and programs as well as other actions that were important for civil activities in the media and business sector in order to follow the basic idea of fast liberalization. There is still an approach to develop a civil sector in BiH, in particular in the scope of European Union's enlargement policies through financial programs as well as regional initiatives.

In order to reach a quick development western countries have invested a lot of financial means in Civil Society. Discovering this potential many CSOs have undertaken efforts to open external financial resources for themselves so accommodating their projects to the initial goals posed by international donors.

#### *Different types of nongovernmental organizations as outcome*

First, 'governmental' NGOs or para-state NGOs, financed from mainly entity budgets, organized as copies of directed old fashioned socialist 'societal associations', which have served as one of the means for the realization of governmental policies and for fulfilling their goals. The majority of them are ethnically biased using the recent war in BiH as a basis for associating.

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<sup>7</sup> Paunović, Žarko (2006), *Nevladine organizacije*, Beograd, Službeni glasnik, pp. 22.

They use the fragile position of war veterans, refugees, displaced persons, civil war victims, war or civil invalids as well as disappearing and disappeared people for their political goals. There is no doubt that they have 'interests to realize interests' and improve their job positions. As in this Civil Society perspective social cleavages are more-less reduced to ethno-national criteria they could not have become a basis for strengthening the democratic political scene.<sup>8</sup>

Secondly, values stimulated by international actors were multiculturalism, multinationalism and multiethnicism. Although there were some Civil Society movements who really have worked on such bases, more aggressively appeared those who agreed to join to fake multiethnic projects and programs in order to earn money. The majority of them disappeared when programs expired and produced no effects for the goal of creating a deeply unified multiethnic society. In a political environment that is characterized by ethnic and political antagonism multiethnic Civil Society has difficulties to survive.

While some leaders of CSOs are active participants in political life, drawing some financial or political benefit many other activists serve only as audience in programme debates. In most cases the benefit has not been as expected. Political life has firmly stayed anchored in political parties in position – the political opposition very often in missing useful ideas, initiatives, interests and policies. The political elites have learned in the meanwhile how to remain in power and to keep out a real democratic influence.

Thirdly, there are also genuine and functional NGOs which emerged without the support of powerful sponsors. Many are based on real and pragmatic interests, mostly focused on the protection of rights handicapped people or representing pensioners and youngsters. Further organizations from this groups NGOs deal with science, education, European integration and security issues.

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<sup>8</sup> Šolaja, Miloš (2010), 'Političke partije u izbornom procesu', *Argumenti*, Banja Luka, Stranka nezavisnih socijaldemokrata Republike Srpske 53 - 72, Vol. IV, No 11 pp. 66.

## The Security Sector in the Light of Civil Society

Compared with 'ordinary' CSOs, civil society initiatives in the security sector developed much later in post-communist transitional countries. In an ideological model of civil-military relations under the leading role of the communist parties, any idea of outsourced institutional observance of even bad influence on the defence or army affairs was unimaginable. It was a field full of secrets reserved for the top decision makers. Any idea of public and democratic control might have been presented as betrayal. The army was put in the context of permanent threats and foreign conspiracies and was used as a means for controlling the society. Security issues in those times were hidden behind a murky curtain of 'top secrets'. The role of an NGO 'watchdog' played the veterans of World War II, exclusively as ideological but not functional 'safeguards of revolution' (communist).

The democratic control on the security sector in the transitional countries came with the post-Cold War crisis management as a special and very sensitive 'social project' of accommodation to neoliberal globalization. The tradition of military prevalence and the highest trust in the 'army' is deeply rooted as in South East European countries as in other communist former countries. As H. Brunkhorst assumes, 'with a weak positive integration of a 'social' state, state security does not rise which is an example for a negative integration'.<sup>9</sup>

Today, security has become a value of liberal society not only a state function and is also dependent on the active role of civil institutions, such as NGOs, media and other non-governmental stakeholders. On behalf of the interests of international stakeholders, Civil Society Organizations have been included in the process of controlling the democratization of the security sector, although a long hosting tradition and 'watchdog' experience is rising.

Even though the parliament and other institutions became more transparent and open towards society it has not been sufficient enough. The Traditional perception of military and police as a reflection of Max Weber's as-

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<sup>9</sup> Brunkhorst, Hauke (2004), *Solidarnost. Od građanskog prijateljstva do globalne pravne zajednice*, Beogradski krug/ Multimedijalni institute, Beograd/ Zagreb

sumption of the 'state as a monopoly of legitimized force' understands the army and police as an institution of secret dominant power. Giving trust to Civil Society under these conditions was hardly imaginable and acceptable. A radical change of awareness on public participation in defence, internal and all other aspects of security have been necessary. Civil Society organizations support the communication about security issues. Nevertheless, there are still pejorative assumptions, prejudices and stereotypes connected to the role of Civil Society in the security sector. According to Žarko Paunović 'many researches until today have been showing that a vast majority of citizens does not know what Civil Society means and which belong to it.'<sup>10</sup>

We can observe a role of Civil Society in the area of security from different standpoints. Firstly, a general development of the Civil Society sector is the biggest contribution to liberal democracy in order to improve the economic and political environment, which obviously includes a network of security institutions, political processes, actors and their relations. These CSOs can actively organize and contribute to a wider discussion on these issues. It could be through 'regular' purposeful activities of each of them, through the work and results of a social 'watchdog' type of organization as well as through specialized organizations.

Secondly, there are more and more specialized organizations which work either as think-thanks or just as associations of activists with interests in security observing and discussing. Principally, regarding defence and security as highly sensitive professionalized and specialized activities there are more and more think-tanks that deal with different aspects of security – either 'hard' or 'soft' threats with defence systems or the internal system of security. Many stakeholders and other actors are included in these processes. They provide a very dynamic legal framework. A pro-active approach of actors regarding planning, budgeting and objective focusing is needed. The main characteristics of this type of organization are solid analysis and at the same time activities for promoting the practicing of democracy in a sector of security. Some international experiences approve such a development of quality of work of CSOs in BiH saying that '... a significant number of

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<sup>10</sup> Paunović, Žarko (2014), *Civilno društvo u Srbiji – utopija ili realnost*, Novi Sad, Vojvođanska politikološka asocijacija, pp. 41.

think tanks around the world have or will soon reach what might be called the 'second stage of development.'<sup>11</sup> The Civil Society related to defence and security in Bosnia and Herzegovina develops in this 'second stage'. There is some interesting improvement in this area as it was the participation of CSOs in a few workshops organized by the OSCE Mission to BiH. There are also possibilities to participate in some monitoring and revising works in the Parliamentary Assembly of BiH and the Joint Commission for Defense and Security, further in similar bodies in the entity parliaments and appropriate committees. According to Freedom House, one problematic issue in regard to Civil Society is the media on a scale from one to seven<sup>12</sup>. Civil Society is rated at 3,25 and media at 4,75. Some NGOs have invested a lot of efforts, organizational capacities and money in the education of new security experts. On the other hand, the media have not justified their role as an 'educator' and discussion provider, in many cases staying too formal and too closely connected with political representatives.

Anyway, the process of maturing Civil Society is ongoing. Regardless of the absence mass membership and some limits on the level of managing leadership there are some entrepreneurship which give some concrete steps. One of the first steps is the 'Code of Conduct for the Nongovernmental Sector in Bosnia and Herzegovina'<sup>13</sup> and furthermore the 'Recommendations for Building Partnerships between BiH authorities, the Civil Society and the European Union in a Process of European Integrations.'<sup>14</sup>

It seems to be ultimately necessary to build capacities, enhance cooperation and the coordination between domestic and international actors and donors which work with and in favour of Civil Society in order to resolve key

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<sup>11</sup> Stryk, Raymond J. (2002), *Managing Think Tanks: Practical Guidance for Maturing Organizations*, Budapest, Open Society Institute, The Urban Institute and Local Government and Public –Service Reform Institute, pp. 4.

<sup>12</sup> <https://freedomhouse.org/sites/default/files/Data%20tables.pdf>, last accession 3 December 2014 at 20:56.

<sup>13</sup> Koalicija nevladinih organizacija 'Raditi i uspjeti zajedno' (2006), *Kodeks ponašanja za nevladin sektor u Bosni i Hercegovini*, Sarajevo.

<sup>14</sup> Mreža 'Sporazum plus' (2010), *Preporuke za izgradnju partnerstva bh. vlasti, civilnog društva i Evropske unije u procesu evropskih integracija*, Sarajevo.

challenges for which the economic development is a top priority<sup>15</sup>.

## Conclusion

As Bosnia and Herzegovina's experience with the Civil Society has not been so huge, some of the results are still not satisfying. Anyway, regardless of the resistance of the political class to develop a real active, strong, beneficiary and influential Civil Society as a main basement for critical and effective public opinion and regardless the weaknesses of the political culture and the missing self-confidence in the CSO sector the goal of reaching democracy with the support of Civil Society will remain an irreversible process. Although better than other areas of life according to Freedom House indicators, the Civil Society in BiH is still in an early stage of development. It still needs more massive enrolment of activists based on specific interests and on a voluntarily base, further a better preparation of operations networking as well as a more efficient organizational structure.

Likely, the most important process should be to unroll strategies of partnerships between authorities and Civil Society Organisations oriented towards two pillars: using CSOs as partners in analyzing and designing policies and supporting them through political backing of open discussion and of course through funding. Civil Society in general, CSOs and processes in the security sector represent new practices and new experiences for BiH's society. Mainly oriented to professional and expert work, CSO engagement has significantly improved the information base, the knowledge on security and led to an easier approach of the population to the security sector.

Regardless of its results so far, the Civil Society in BiH is expected to support the building of liberal democracy, which obviously includes security.

The role of the Civil Society in security sector has passed a difficult process from non-existing to participating and influencing. The development of democracy is ongoing in this sensitive area.

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<sup>15</sup> Bojić, Denis (2012), *Demokratija i civilno društvo kao subjekti ekonomskih procesa u Bosni i Hercegovini*, master of arts thesis (mentor Miloš Šolaja), Banja Luka Univerzitet za poslovni inženjering i menadžment.

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## Promoting Democracy After the Plenums: Has Bosnia Yet to Build ‘Civil Society’?

*Adam Fagan*

*Europe’s Balkan Dilemma* (2010): concluded that the EU accession process (conditionality, aid) was slowly and rather temporarily transforming governance – but the impact of EU was contingent on the involvement of other donors and also on domestic constraints.

In the book and subsequent articles I have argued that NGOs/CSOs could not be conflated with ‘Civil Society’, but were an expression of it. I would now go a step further – the Bosnian CSOs built by donors since 1995 are today not even an expression of Civil Society. After nearly two decades of donor assistance for ‘Civil Society’, CSOs/ NGOs are not ‘Civil Society’ in the Hegelian/Montesquieu/Lockean liberal enlightenment tradition, or indeed in the de Tocqueville or Putnam sense.

*What are they then?*

They are adjuncts of a diminished state – a state with weak and contested institutions, over-centralised despite its fragmentation, and resistant to new modes of governance.

CSOs have been built as machines of project delivery in an attempt to generate progressive change in key EU acquis policy areas (Justice and Home Affairs, the environment, minorities). They don’t act as a check on state power; they don’t enable representation, engender participation, they aren’t a force for liberal democratic transition in the East European sense... what they are doing in Bosnia is attempting to substitute for progressive elites within the state and government machinery.

*What’s gone wrong?*

International donors have had different objectives and ‘mission’. Their involvement has had all sorts of consequences – different from the impact of such assistance in CEE a generation ago.

For the donors that remain active in BiH, supporting Civil Society is not an objective in itself – this for me is the crux of the problem that needs challenging. The EU is the main culprit and has led the shift from funding CSOs to channelling aid through the state.

There has *not* been the same lengthy process of NGOization as in CEE, which occurred as a consequence of a long period of donor aid (profligacy?) that was general in its focus, not very targeted and driven basically by a desire to support Civil Society as core objective. The revolutions of 1989 were ‘liberal democratic moments’ and supporting Civil Society was a normative mission for Soros et al. By early 2000s donors had become increasingly disillusioned with Civil Society development in CEE (they couldn’t ‘see’ the return on their investment) – and the Western Balkans has borne the brunt of this.

There are two very contrasting sequences: the sequence of CSO development in CEE on the one hand and on the other hand, the sequence of CSO development in BiH.

#### *Sequence of CSO development in CEE*

There was a Civil Society moment at the point of revolution where donors flocked to support the initiative after 1990. This led to a mushrooming of CSOs funded to work on environment, rights etc. Donors started to rationalize aid and to focus their assistance – but by this time ‘grassroots’ indigenous Civil Society had found its voice and citizens were able to populate and fund CSOs as donors withdrew.

What is the legacy? Professional CSOs are close to governments, but a tier of Civil Society organisations and networks connected to communities and citizens.

#### *Sequence of CSO developments in BiH*

In BiH there was a *nationalist* rather than *liberal* moment at the end of socialism – donors entered to provide emergency aid – gradually shifted their attention to ‘Civil Society development’ – but had to create organisations from scratch – Europeanization (rather than democratization) agenda in-

stilled emphasis on ‘good governance’ and tiny CSO/NGO sector were supported to ‘complete’ the liberalization of the state, society and the economy. As adjuncts or in lieu of the state, indigenous Civil Society is poorly organized other than in certain ‘sectors’ such as national cultural organisations, veterans etc. It is entirely detached from donor-funded CSOs.

Thus, in Bosnia donor funding (with its focus on governance and projects) has basically destroyed the *democratizing* capacity of the CSOs that it created. But at the same time it has not created *efficient* and *professional* organisations, drivers of new governance or agents of progressive change.

It has ‘killed’ the political capacity of CSOs – even those organisations that emerged organically from the communities have ‘lost’ their political aspiration as a consequence of the pursuit of donor funding and support.

CSOs exist to run project grants and the only ‘rationale’ for assistance is to build their project-management ‘capacity’; But even this hasn’t worked because (in BiH) there are not enough credible partners in government for CSOs to work with, and the reform process is stalled and lacks any momentum.

Thus, the big questions for the CSO sector in BiH are:

- How can it (re)-connect with society and communities?
- How can it engage with those who participated in the plenums?
- How can it engage with political society (political parties, activists, think tanks)
- Assuming donors remain the main source of assistance, how can aid be used to connect CSOs to Civil Society and to ‘politics’?

Our research illustrated that donors hold a bleak view of CSOs and Civil Society in general (as our research shows):

- Building Civil Society – a subordinate objective for majority of donors;
- CSO sector is over-bloated – big enough – no rationale for supporting Civil Society as such – other than as providers of services or to perform specific functions;
- waste of money, inefficient and ineffective;
- not good partners, reluctant engagement with them;
- their role is solely as monitors of government, conduits for governance reform;
- only a few reliable ones to work with;
- that aid now channelled through government seen as a good thing.

*How to move forward?*

1. We need a new lexicon... or at least greater clarity of the terms we use... A fundamental distinction needs to be made between ‘politically-engaged’ CSOs (advocacy groups), and NSAs. Stop describing the latter in terms of ‘Civil Society’. These are ‘third sector’ or NPAs in the US sense.
2. Donors need to have their attitudes challenged: particularly regarding the perception that there is no need to build Civil Society in the WB – there absolutely is and donors need to provide the sort of democracy assistance they provided to eastern Europe in the late 1980s. These (BiH and MK) are unfinished transitions and democratic institutions are weak and vulnerable. Some donors (SIDA) get this; most do not.
3. CSOs need to be supported to do advocacy, social inclusion/ social enterprise activities; they need to be working at both elite and community levels; there needs to be much more diversity and specialization.
4. A reverse shift is needed – back from democratic governance to democracy promotion.

5. The EU enlargement/aid agenda has been too hegemonic. It has cast a shadow of hierarchy over the priorities and agendas of other donors operating in the region.

The EU accession process for all (but particularly BiH and MK) stalled and therefore there is little merit in directing funding narrowly towards acquis compliance (which is what IPA is focused on). EU seems to recognise this, but imposes punitive measures such as withholding IPA funds, rather than rethink.

Other donors need to operate very differently in terms of their modalities of assistance, but also their focus. Whilst the 'success' of EU assistance is contingent on 'other' funding being available, there is little point in other donors pursuing democratic governance. In other words, de-coupling is key.

The shift towards donors using CSOs as implementing partners risks destroying the last democratic vestiges of CSOs. It turns them into aid machines whereas they should exist to shape aid, contest and critique donor power, to mobilise communities.

*They should not be reduced to being donor proxies on the ground!*



## **PART II:**

# **THE REGIONAL DIMENSION OF THE ROLE OF CIVIL SOCIETY ORGANIZATIONS**



# **The Role of CSO in Democratization and Supporting European Integration – The Case of Serbia**

*Maja Bobić*

## **Introduction**

This paper presents the institutional framework, procedures and practices in Serbia with regard to the Civil Society and particularly their role in the overall European integration process. It points out the existing and missing systematic solutions, emerging good as well as bad practices, often deriving from the lack of genuine understanding of the role of the Civil Society and lack of developed civic culture in Serbia. The focus is on the process of EU-Serbia accession negotiations and experiences and lessons learnt so far. It advocates for an open and transparent process of accession negotiations as a tool for a successful accession process and better preparedness as well as understanding and support among citizens.

## **The Situation in the Sector**

For many ‘outsiders’ and observers Civil Society in Serbia looks very developed, persistent and sometimes aggressive. The truth is that the situation in this sector is far beyond ideal, both from the perspective of its internal development and in terms of its influence, though the sector does exhibit resilience in different and difficult political, economic and social circumstances. The most recent and comprehensive research about the Civil Society organisations in Serbia shows that the sector is relatively young. Most of the CSOs are established after 2000. Only ¼ was established before 1990. The majority works in the area of social protection, culture, media and sports as well as environmental protection.

Within Serbia the majority is registered in Vojvodina (36%), followed by Belgrade (28%), while the rest is established almost equally in West, Central, East and Southeast Serbia. In Belgrade the CSOs are business/professional associations (51%) and naturally CSOs that deal with the rights, advocacy and policies (42%). Civil Society in rural areas of Serbia is

very limited in capacities and resources. 20% of the total number does not have office space and even 30% does not possess computers.<sup>1</sup>

In August 2014 the number of associations was 23,494, which means an increase compared to the previous year. According to the Agency for Business Register (ABR) in 2012 13,281 people were employed in CSO. The Number of volunteers is more than 150,000 and temporarily employed are 13,281. This is reflecting the very nature of civic activism but also a lack of sustainability of the Civil Society in Serbia. Half of the total number of the associations worked without any income or with an income less than 100,000 RSD (less than 1000 EUR), but total amount of income for the CSOs according to ABR for 2012 is 21,807,969,000 RSD and shows an increasing trend.

The legal possibility to deal with commercial–business activities is something 5,929 associations used and registered in ABR. There is an increasing trend of transparency among CSOs: in 2010 10,706 delivered a financial report to ABR, in 2011 13,295 and in 2012 15,308.<sup>2</sup>

Overall sustainability of Serbian CSOs is graded 4.1 according to the USAID Sustainability index<sup>3</sup>. It is an improvement compared to 2013, though based on inconclusive factors that include ‘participation in Serbia-EU dialogue’. Financial sustainability is at 5.2 and is the weakest point, while advocacy with 3.4 is the strongest aspect of the CSOs performance according to this research.<sup>4</sup>

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<sup>1</sup> ‘Procena stanja u sektoru organizacija civilnog društva u Srbiji’ (An assessment of the situation regarding the organization of Civil Society in Serbia), Građanske inicijative, Belgrade, September 2011, p. 8- 20.

<sup>2</sup> National strategy for supporting the Civil Society in Serbia, <http://strategija.civilnodrustvo.gov.rs/diskusija/nacionalna-strategija-za-stvaranje-podsticajnog-okruzenja-za-razvoj-civilnog-drustva-u-republici-srbiji/civilno-drustvo-u-srbiji-opsti-podaci/>.

<sup>3</sup> On a scale from 1 to 7, with ‘1’ being the strongest. Index održivosti OCD u Srbiji 2013, USAID, National Coalition for decentralization, May 2014.

<sup>4</sup> Other aspects are marked as follows: public image 4.4, organizational capacity 4.2, legal environment 3.9, service provision 4.2, infrastructure 3.5.

In the document of the government of the Republic of Serbia on the need for international assistance for the period 2014 – 2020 there are two measures that imply capacity building of CSOs within a priority of equal participation of CSOs in creation, implementation and monitoring of public policies at the national and local level.<sup>5</sup>

In 2013, the government allocated 95 million USD to CSOs. But usually, only one third is allocated to the CSOs while the majority goes to ‘citizens associations, legacies and foundations’ or to religious organisations and political parties. Transparency and open procedures and criteria of provision/allocation of the public funding to the CSOs at both national and local level still remain disputed. The research of the Office for Cooperation with CS of the Government of Republic of Serbia on the allocation of public funds at all levels of the governance is incomplete – the methodology implies sending out questionnaires. The response rate was 64% for 2012 but still this is not the overall assessment of the use of public funds and allocation to CS. On the other hand it determines that the majority of funds which were allocated based on the decision of the manager/official not on the public competition. Less than 10% of the CSO budget is coming from the individual and corporate giving which is an issue of concern and many attempts are supported and being made to instigate corporate social responsibility and individual philanthropy, often materialized only in the times of extreme crisis and disaster.<sup>6</sup>

## Cooperation with Governing Structures

Generally speaking, the cooperation between CS and the govern-

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<sup>5</sup> Nacionalni prioriteti za međunarodnu pomoć (NAD) za period 2014 – 2017. godine sa projekcijama do 2020, National priorities for international aid from 2014 – 2017 with 2020 projections, 8/11/2013, [http://www.seio.gov.rs/upload/documents/medjunarodna\\_pomoc/pregled\\_medjunarodne\\_pomoci/prioriteti\\_2014\\_17.pdf](http://www.seio.gov.rs/upload/documents/medjunarodna_pomoc/pregled_medjunarodne_pomoci/prioriteti_2014_17.pdf).

<sup>6</sup> The May 2014 floodings and the collections for children’s that are commonly organized by private initiatives are some examples of empathic and solidarity behaviour. The data taken from ‘Godišnji zbirni izveštaj o utrošku sredstava koja su kao podrška projektnim i programskim aktivnostima obezbeđena i uplaćena udruženjima i drugim organizacijama civilnog društva iz javnih sredstava Republike Srbije u 2012. godini’, Kancelarija za saradnju sa civilnim društvom Vlade Republike Srbije, Belgrade, 2013.

ment/administrations remains rather limited, *ad hoc*, sporadic and ‘personalized’. Some instruments to establish better institutional and regulatory framework and improve cooperation have been established. In practice; some of them have provided partial results – like the office for CSO, which almost regularly calls for participation in web streaming of the EU explanatory screenings. Still, depending on the openness or confidence of the minister/individual the public administration is less or more open and inclusive. There is still lack of trust and confidence between the two and rarely – genuine partnership is established. On the one hand this is the result of the less developed democratic culture and closed administrative practice and on the other hand there is also historical antagonism as well as number of misused opportunities and potential for cooperation (like participation of CSO representatives in working groups etc.). Neither side truly believes, in general, the other side is working in public interest.

The external environment or the situation which is making this process also less stable and unavailable is characterized by the overall deficiencies of the legal system and system of planning in Serbia. The system of policy making and planning or an organized approach in this sense in Serbia is almost non-existent. A recent study by GIZ-EU on the mapping of policy cycle at the central government level gives good illustration and assessment of the policy making system in Serbia.<sup>7</sup> The report analyses the policy making system in Serbia and concludes that policy planning seems to be underdeveloped throughout the Government, that top-down prioritisation of issues are missing, while the final decisions are made by the political level, with no hard evidence whether analysis and research, if done by civil servants, represent a decisive input for decisions. An important conclusion is that ‘in absence of other types of policy documents which can be proposed to and adopted by the Government, strategies are understood and used as policy formulation documents instead of being understood as planning documents for operationalising and implementing a certain determined policy,

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<sup>7</sup> Lazarević, Milena and Obradović, Marko, Map of Policy Cycle at Central Government Level in Serbia, Belgrade, May 2014. This report was written as part of the EU-funded ‘Reforming Policy Coordination and the Centre of Government – Third Phase’ project, implemented by a consortium led by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and its partner Imorgon Tanacsado Kft. The report assesses the system as it was before the March 2014 elections and does not reflect the opinions of the EU or the government of Serbia.

which helps to explain the proliferation of strategies in the recent years'.<sup>8</sup> A matter of serious concern is that ex-ante impact assessment is rarely conducted while regulatory impact assessment is not properly implemented. There are no rules and requirements for the involvement of external stakeholders in strategy making and there are no requirements and procedures for inclusion of external experts in the legal drafting usually done within working groups.<sup>9</sup> The issue of late involvement of the external stakeholders through highly structured public debates at the very end of the process, mentioned in the report, was tried to recuperate albeit with inappropriate and insufficient Guidelines initiated by the Office for CSOs. In August 2014 the Government of Serbia adopted *Guidelines for inclusion of CSOs in decision making process*.<sup>10</sup> It is as said just a guideline and does not prescribe methods and modalities nor the monitoring and evaluation (hopefully this might be performed by the Office for CSOs). It also does not oblige anyone within the administration to actually implement the recommendations. The main goal of the guidelines is the further improvement of the CS participation in the process of preparation, enforcing and monitoring regulation that deals with the questions and issues of public interest. As stated, this makes the precondition for achieving optimal openness, efficiency and effectiveness. The ultimate goal is to improve relations with CSOs in the democratic process as well as to enhance their more active role in the public life.

The document recognizes three methods – informing, counselling and participation and partnership and several principles: active participation of CSOs in all phases of regulation making, mutual trust, openness and responsibility, efficiency and effectiveness, timely informing about the planning process and timeline, participation. All of the things we currently do are highly unlikely to be introduced with mere Guidelines.

The document suggests introducing persons for cooperation with CSO within each public administration unit and recommends introducing similar

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<sup>8</sup> Ibidem, 6 p.

<sup>9</sup> Ibidem, p. 7.

<sup>10</sup> Smernice za uključivanje organizacija civilnog društva u process donošenja propisa (Guidelines for the inclusion of CSOs in the process of making regulations), 05 broj 011-8872/2014, 26.08.2014.

measures at the provincial and local government level. As in the case of some other institutional mechanisms this, besides being hard to implement, might shift the focus of cooperation to sole individual within the administration rather than introducing the ‘system of cooperation’ and improvement of general attitudes and openness. The parliament of Serbia is somewhat more open and has a better track record of consulting with the CS through public hearings, consultations with CSOs and their involvement in specific Committees. However, this institution is limited in scrutiny of the legislation due to the heavily used urgent procedure and thus, is influencing the process to very limited extent. Only in the period of April to June 2014, after the elections, the parliament adopted 31 laws out of which as many as 30 were subject to urgent procedure.<sup>11</sup> This practice is heavily criticized in the annual progress reports of the European Commission: ‘The already extensive use of urgent procedures, which limit the time for scrutiny of draft legislation, further increased, in part to make up for the time lost because of early elections’.<sup>12</sup> Making up for the lost time (due to political instabilities, elections etc.) might easily prove to be additional loss of time. The legislation turns out to be hard to implement and results – implementation and enforcement – are missing.

The current parliament is overwhelmingly pro-EU and it has an overwhelming majority – 136 from the Serbian Progressive Party and in addition with the ruling coalition’s MPs, it amounts to almost 80% of the parliament and makes opposition voice weak and parliamentary debate scarce. The parliament traditionally lacks capacities and knowledge especially when it comes to EU integration and specific policies. Still, there is almost common procedure to invite members of the CS to some of the committees’ sessions – Green chair, National Convention on EU, minority and human rights joint sessions with the CS etc.

A very low percentage of citizens believe that the parliament of Serbia works for the overall benefit of citizens. Their stands are more positive if compared to 2013, while the satisfaction with the work of the parliament

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<sup>11</sup> Open Parliament, Zakoni po hitnom postupku, (Laws on urgent approach), April – June 2014, <http://www.otvoreniiparlament.rs/wp-content/uploads/2014/07/Nature-1.pdf>.

<sup>12</sup> Serbia 2014 Progress Report, Brussels, 8.10.2014, SWD (2014) 302, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20140108-serbia-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf), p. 8.

remained poor: 43% unsatisfied with the work of the parliament, while 19% believes that the parliament efficiently oversees the work of the government.<sup>13</sup> The office for cooperation with CSOs was established by the government in 2011 and conducts expert, administrative and operational activities in the competence of the government of the Republic of Serbia in order to create an environment for the development of Civil Society. It is directed towards the establishment of the cooperation between public administration (PA) and CSOs. It aims to strengthen capacities of institutions at the local and national level for the cooperation with CSOs. The immediate tasks are to establish a national council for the development of CSOs, a strategy for CSOs development, to support sustainability of CSOs and all the measures that will lead towards their development, further the development of an institutional framework for CS development as well as standards of communication, cooperation and participation in the decision making processes.

The office has introduced and promoted the above mentioned guidelines, has contributed to the participation of CSOs in the EU accession negotiations, namely the screening process and provides co-funding to some CSOs, beneficiaries of the EU pre-accession and other European funds and programmes. Among its successes the office also mentions: the installation of a separate accounting system since 2014, differentiating between the small and medium enterprises and CSOs in accounting while in other obligations they remain to be considered as enterprises; further more simple procedures when applying for different public funds and better openness when it comes to public consultations.

In the area of planning and programming of EU funds and international assistance, there exists mechanism for consultations with the CSOs – the SEKO mechanism – established in 2011. Its basis is a consultative process with sectoral organizations of the Civil Society (SEKO). This mechanism enables the exchange of information and CS contribution in planning international assistance, especially regarding the Instrument for Pre-Accession Assistance (IPA). Each SEKO is a network led by a consortium

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<sup>13</sup> Audit of political engagement in Serbia 2014, Open Parliament, <http://www.otvoreniparlament.rs/wp-content/uploads/2014/09/Audit-of-political-engagement-in-Serbia-2014-eng.pdf>.

of at most five organizations. It is inclusive mechanism and enables debate and dialogue with the Government, but there are still problems in disclosing in timely manner relevant documents, subject for consultation. On the other hand there is genuine lack of capacities within CSOs to actively participate and understand their role in the programming process. There are eight SEKOs covering a variety of issues from internal affairs, via public administration reform to energy and Civil Society, media and culture.<sup>14</sup>

In the mandate of the office is the development of a Strategy on CSOs which is in preparation (public consultations are under way in September - October 2014). It is aimed at securing equal and active participation of CSOs in the creation of public policies, the implementation and monitoring at the national, regional and local level with the goal of achieving a sustainable Civil Society, partnership between CSOs and Government and further CSO capacity building.

Specific goals encompass:

- Improve legal frame and strengthen capacities of public administration and CSOs for greater public participation in legislation development and the development of other instruments of public policies;
- Improve legal frame for financial sustainability of CSOs and strengthen PA capacities for promotion of good practices and principles in allocating public space to CSOs;
- Strengthen capacities of PA for transparent support, monitoring and evaluation of programs and projects supported from public funds and strengthening of CSO capacities for transparent use of public funds;
- Improve legal frame and strengthen capacities of PA for a greater role of CS in socio-economic development;
- Improve legal frame and strengthen PA capacities for a greater role of CS in informal education;

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<sup>14</sup> More on <http://www.cdspreldaze.org.rs/>.

- Strengthen capacities of PA for cooperation with CS in European integration and strengthen capacities of CSOs for active participation in the process of European Integration.<sup>15</sup>

## **The Role of CS in European Integration**

The EU integration is one of the priorities of the current government as it has been of the previous ones since 2000. Historically, CS of Serbia has played a crucial role in the democratization process and European integration, advocating for peace, reconciliation and EU accession since early 1990's. Their involvement, activism and later on expertise and contacts have been tremendously important during 1990's and after 2000. Even today, it is expected a lot from the CS especially having in mind the political landscape and the weak and confused opposition.

The overwhelming majority in the parliament and solid public support for EU membership (with a swinging trend 46% in support in June 2014, previously in December 2013 51%, December 2012 41%, December 2011 51%, April 2011 63%) leaves the door open for many reforms necessary for the EU accession, which are, as often underlined, necessary not only for the EU but for Serbia and its citizens. The EU accession and the prospect of membership has played a crucial role in stimulating and advancing progress in some areas of democratic and social development, though it was often a tool to deceive and to pursue other interests. It has been also used or misused, as an excuse for hasty procedures and the lack of dialogues and debates.

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<sup>15</sup> Nacionalna strategija stvaranje podsticajnog okruženja za razvoj civilnog društva u Republici Srbiji za period od 2014 – 2018 godine, (National strategy on development of a stimulating environment for the development of CS in the Republic of Serbia in the period 2014-2018), <http://strategija.civilnodrustvo.gov.rs/diskusija/nacionalna-strategija-za-stvaranje-podsticajnog-okruzenja-za-razvoj-civilnog-drustva-u-republici-srbiji/ciljevi-strategije/>.

It introduced also an important factor in Serbian democratic life – EU, namely EU Delegation or ‘Brussels’ becomes an ultimate address and judge on the quality of the legal and other solutions and measures. Luckily, EU insists, in vast majority of cases, on the active participation of the CS and all stakeholders as well as, on transparency and public access to the process. In this way, it did contribute both financially and politically to the development of the Civil Society in Serbia.

Serbia is an EU candidate country and accession negotiations were ‘opened’ in January 2014 with the first intergovernmental conference (IGC) between EU Member states and the Republic of Serbia. The screening process started already in September 2013, and after the IGC it has continued with chapter 35 which in the case of Serbia is tackling, for everybody involved, a novel issue of Belgrade Prishtina dialogue and normalization. The breakthrough in this dialogue in April 2013, so called Brussels agreement enabled in the first place this advancement in the EU integration process. It will remain one of the most important chapters in Serbia-EU accession negotiations, alongside with 23 and 24 dealing with rule of law and internal affairs.

The screening process is on the way, already 15 chapters went through this procedure – both explanatory and bilateral screening, while 24 in total entered this process<sup>16</sup> and first screening reports are published. In March 2015 this process is expected to end, while the actual opening of first chapters is hoped for already by the end of the 2014 or in spring 2015. The Serbian government opts for chapter 32, financial control for which the government is ready, the screening process completed, the report published, the negotiation platform adopted. It would be advisable and beneficial for both the pro-European government and Serbian citizens to start as soon as possible with actual negotiations in order to give impetus to the fatigued process. The conditions for opening other two chapters – 23 and 24 are yet not fulfilled – action plans which are opening benchmark are sent out to Brussels for consultation.

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<sup>16</sup> Based on the Serbia EU Progress Report 2014.

*Where is the CS in this important phase of European integration and what about cooperation?*

Greater involvement of all actors in the society is needed in the overall process of EU accession and more specifically during all phases: screening, negotiation position drafting and implementation/reaching the opening/interim/closing benchmarks. The Republic of Serbia needs to have credible and reasonable arguments for any transitional periods and prolongations demanded from the EU and in this respect credible insight cannot be made without proper feedback from the relevant stakeholders. The involvement of all actors from the beginning of the process will also enable better implementation of the assumed obligations and of the European *acquis*. The success of the process heavily depends on timely informing and on the support by all relevant actors and citizens that are to assume obligations and rights during the accession process. The comparative practice from previous enlargements proves that, though the negotiations are the responsibility of the government, the government is not the only actor in the process of implementation and enforcement. Thus, it is recommended that all actors from the local governments, business and Civil Society are involved from the beginning enabling successful reform process.

Leaving the process solely in the hands of the public administration and government may cause: lack of support for the reforms, lack of support for the membership, lack of capacity and preparedness to implement the necessary reforms by different actors (from LSG to business and citizens themselves), overall lack of the understanding and knowledge and thus, overall lack of the quality of the process of European integration and of democracy and economy.

The government of Serbia has prepared the institutional framework for the negotiations with the EU as well basic principles and procedures in September 2013, while the National Assembly adopted a resolution about the role of the Parliament and basic principles of the negotiations in December 2013. A coordination body which is comprised of the members of the government, ministers, the prime minister, vice prime-ministers, has been established. In its work the director of the Serbian European Integration Office can participate, as well as the Chief negotiator and other members of the government. Expert and administrative and technical support to the

Coordination Body operation shall be provided by the European Integration Office. The Coordination Body Council, which performs the operations regarding current issues within the process of accession of the Republic of Serbia to the European Union, is also set up and it comprises of the government members in charge of the EU and other members like chairs of the negotiation groups. 35 Negotiating Groups (NG) have been established to negotiate the accession of the Republic of Serbia to the European Union, based on the negotiation chapters.

The decision on establishing the Negotiating Team (NT) was also taken. NT shall participate in the development of the negotiation positions on the accession of the Republic of Serbia to the European Union, in accordance with the special government decision and it shall be in charge of the negotiations on accession of the Republic of Serbia to the European Union. After the 2014 elections this structure is mainly completed though some positions remain vacant including the Core negotiating team (CNT) which is essential and needed from the beginning of the process. The government also adopted the Conclusion on guidance and coordination of the activities of the state administration bodies in the procedure of preparing the negotiating positions in the process of negotiations on the accession of the Republic of Serbia to the European Union. In this document it is decided that after the negotiating position had been adopted by the government, the negotiating group and the negotiating team shall present to the interested public the fundamental solutions contained in the negotiating position. In addition to this the NGs' chairs can decide to invite a representative of an organization and/or expert if the circumstances oblige so. Finally, the resolution of the national assembly defines the role the assembly will have in this process –the draft Negotiation position will be sent to the committee for EI asking it's and other committees' opinion before the government finally adopts the position.

The resolution also seeks to cooperate with the Civil Society in order to secure its involvement in the process. Finally, the strategy of communication of the government of the Republic of Serbia about the process of the accession to the EU, adopted in 2011, states that in order to communicate the accession negotiations all state organs and institutions will propose and plan communication activities that are related to the specific sector and reforms. These individual strategies will have to respond to the five key

questions about the specific negotiation chapter: what is the concrete influence on everyday life assuming the obligation in the concrete chapter, why this is important for the citizens and what are the benefits, are there any costs and how can those be explained, priority topics within the chapter.

The office for cooperation with CSOs also got involved in cooperation with relevant ministries. Their modalities include: web streaming of the explanatory screening via public invitation and selection (more than 300 CSOs participated in those), cooperation with CSOs in preparing bilateral screening – only for chapter 23 when CSOs were invited to deliver inputs about the harmonization with the EU *acquis* and respond the questions of the EC, organization of briefings in cooperation with the SEIO and the negotiation team. Up to now four briefing meetings were organized with heads of NGs and the CSOs which participated at explanatory screenings were introduced trainings for CSOs on negotiations, were organized and a transfer of experience – mostly from Croatia – has taken place.

The DEU has made its share of active contribution to the transparency of the process, enabling public insight into the screening reports as soon as they are completed.<sup>17</sup> The European Economic and Social Committee (EESC) drafted an opinion on enhancing the transparency and inclusiveness of the EU accession process, with many useful recommendations to all parties involved: for the national governments, for the European Commission, the Council and the European Parliament and for the EESC.<sup>18</sup>

In the case of Serbia, in practice, besides efforts of many, the establishment of the national convention and endorsement by the parliament, there are however still discrepancies between the government of Serbia's regulations and the national parliament resolution as well as concerning inconclusiveness with regard to the degree of confidentiality that might be introduced when it comes to the negotiations (positions, action plans, timetables, accompanying documents etc.) This proves, as in other cases, a lack of systematic approach and a lack of overall transparency of the process.

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<sup>17</sup> [http://ec.europa.eu/enlargement/news\\_corner/key-documents/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm).

<sup>18</sup> Opinion of the EESC on the Enhancing the transparency and inclusiveness of the EU accession process, Rapporteur Marina Škrabalo, Brussels, 10 July 2014, REX/401

The national convention on EU (NCEU) in Serbia is an initiative of the Civil Society, operated by the Civil Society and working for the citizens enabling consultations, participation and monitoring during the entire process. NCEU as an institutionalized body has been enabling thematic, focused conversation between representatives of the negotiation structures /government (Chief negotiator, Core negotiating team, WGs' presidents/members) and relevant stakeholders within different working groups (defined according to the chapters) and led by CS Coalitions/NGOs with proven capacity and reference in the given field. NCEU enables meaningful consultations between the government and all relevant stakeholders (NGOs, Academia, business community, trade unions, professional associations, local governments, experts to name the most important). NCEU as a joint initiative with the national assembly and with the clear commitment from the government, announced in June 2014, enables also decentralized dialogue and regular informing.

The overall aim is to support establishment of the transparent and inclusive accession talk enabling Civil Society consultations, participation and monitoring during the entire process as well as timely and quality provision of information to the Serbian public.

Specific objectives are:

- to enable a consultation process between the state and CSOs during the negotiation process and in all phases – screening, negotiation positions formulation, implementation;
- to produce relevant and quality input – recommendations and opinions from the Civil Society (NGOs, experts, business community, trade unions, professional organizations, youth, media, local self-government, professional associations) supporting the formulation and elaboration of national positions;
- to monitor progress on all chapters during the process of negotiations and thus, support the reform process and scrutinizing by the Parliament of Serbia;
- to enable the informing of the citizens of Serbia on negotiations, its content, dynamic, effects and thus generate a broad support for the EU accession process;

- to inform on the EU decisions and positions so as to reflect priorities and positions of the Civil Society.<sup>19</sup>

The national convention on the EU holds plenary sessions, working groups' sessions, and issues conclusions and recommendations.

The plenary sessions of the National convention take place once per year in cooperation with the National assembly, with the goal to enable a broad public insight in Serbia's accession negotiations process with the European Union, to evaluate and compare the improvement in certain fields – negotiation chapters, and to make remarks on disadvantages in the process of adoption and enforcement of reform measurements.

The working groups' sessions follow the process and dynamics of the negotiations, and they are held in accordance with the process of consultations between the National assembly and the Civil Society. Every particular session of the working group can succeed a previous consultative meeting on important issues, or a part of the effect analysis effect of the implemented/adopted previously (briefing and de-briefing). In that regard, the National convention plays a consultative mechanism role, an institutional open dialogue role, and a role for monitoring the adopted and implemented measures, during the entire accession negotiations process. A rapporteur from the government, a corresponding negotiating group, or a team is present at every national convention working group session, while the Civil Society coordinator provides expert commentary and moderates discussions within the working groups. Sessions take place in the Serbian National assembly and outside Belgrade.

The conclusions and recommendations of the working groups are of high quality and represent a meaningful contribution. Proposal or Annexes that come from the Civil Society, try to improve the Serbian position in the EU accession negotiations, they include corrective measures in the practical implementation of obligations set by the negotiations, and are aimed at establishing new standards. The presiding group will forward the conclusions and recommendations to the relevant government institutions, the President of the coordination body, the department minister, the presiding

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<sup>19</sup> More about this platform and its work: [www.eukonvent.org](http://www.eukonvent.org).

officer of the negotiating group in question, the minister in charge of the EU, the chief negotiator, and the President of the European integration parliamentary committee. Conclusions and recommendations will be available to the public, and distributed for the purpose of timely informing of the broad public, in order to increase the level of knowledge about the reforms and measurements, as well as about their consequences on everyday life of the citizens and the development of Serbia.

NCEU is established by more than 20 CSOs and/or Coalitions who are coordinating 21 WG – following all 35 chapters, and includes so far over 300 CSOs. It remains open for all CSOs who want to be involved. It is also the only comprehensive platform that is institutionally recognized. The committee for European Integration of the NARS in its Decision on considering negotiation positions declared that before considering a negotiation position the committee will take into account several proposals, conclusions and recommendations by the Civil Society namely national convention on EU.

It remains to be seen how the whole process, procedures and practice is going to develop and whether the process of EU – Serbia accession negotiations is going to be used as a genuine opportunity to establish a dialogue in Serbia, to involve all stakeholders and to develop a common vision of European Serbia. This is a prerequisite for the actual fulfilment of the accession criteria, for the actual implementation of transposed *acquis* and for the actual impact on the lives of the citizens and operation of businesses.

## The Role of CSOs in Albania in Democratization and the EU Integration Process: From Marginal Actors to Active Partners in the Process?

*Sashenka Lleshaj*

Although no new EU memberships are expected in the near future for the Western Balkan countries,<sup>1</sup> accession membership steps have become proper benchmarks for some of them in auto-motivating for reforms and self-praising governments for achievements. In the case of Albania, positive Progress Report tones, meeting European Commission's priorities, moving on with accession steps and opening of EU negotiations eventually, have become constant assessments of governments' level of success in Albania. Consequently, in the public discourse in Albania, the *EU accession process* with its many challenges and successes is being treated as equally important to the 'final' EU membership goal.

As Albania was granted the EU candidate country status at the end of June 2014, terms like 'the role of CSOs', 'the inclusion of Civil Society', 'the partnership with Civil Society', 'bringing many actors to the process' have become some axiomatic headlines in the technical discourse, mainly because Civil Society has always been perceived as an actor that contributes to the local ownership over the process. Consequently this inclusive approach brings legitimization to the process while the empowerment of Civil Society is seen as one of the EU integration process's benchmark.

As this paper will argue, while Civil Society has so far mainly carved its way into becoming an important public actor, the current new developments in relation to Albania's membership into EU have made the government more sensitive in future accommodating CSOs needs and requirements in becoming a vital actor in the upcoming process, especially during the negotiation phase. Nevertheless, while we are currently discussing, few actual structures are into place and it is difficult to establish whether this uneasy

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<sup>1</sup> Jean-Claude Juncker, *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change*. Strasbourg. July 15, 2014: 11.

government- Civil Society partnership – which is currently trying to be build – is going to be *a government-led accommodation or a Civil Society -led penetration*.

Moreover, a more normative question to be posed is how can CSOs better affect Albania's democratization and EU integration process: by being government's *partners, opponents, mediators*<sup>2</sup> or whether this position is *situational* and depends on circumstances and issues? Throughout the paper, when discussing CSOs engagement in democratization and EU integration processes, this issue of CSOs role and position in relation to the government will be touched upon.

These questions will be posed while taking into consideration the development modalities of Civil Society in Albania: Civil Society in Albania has been both *a subject* and *an object* during the European integration process. By subject, it is meant that CSOs have been engaged in a proactive way in the process while affecting it. By object, it is meant that CSOs' building and development has been a target of EU projects, funding and conditionality towards Albania more generally. Thus, Civil Society has acted in relation to different substantial and formal issues in contributing to Albania's path towards the European Union, while parallel EU programs, sponsorship and official conditionality towards Albania aimed at the creation and the development of an active and genuine Civil Society or third sector in Albania.

While it is important to notice that EU integration and democratization are taken as meaning one and the same thing in the whole of Western Balkans, Albania included, because of the limited space and focus this paper will not go into discussing the difference and sometimes the perils of replacing the Democratization discourse with the Europeanization one. Thus, the paper builds on that assumption and moves forward to see how CSOs have so far contributed into the democratization and the EU integration process of Albania.

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<sup>2</sup> For an argument of the role of CSOs as mediators in the democratization process see Michael W. Foley and Bob Edwards, The Paradox of Civil Society, *Journal of Democracy*, 7:3 (1996), pp. 38-52.

## How are Civil Society Organizations Defined in Albania — an Overview

CSOs in Albania are generally referred to in legal terms as non-for profit organizations. The term non-governmental organization is not mentioned in any part of Law no. 8788 of 7 May 2001 ‘On Non-profit Organizations’. The objective of the law is to ‘define the rules of foundation, registration, organization and activity of the non-for profit organizations, which follow the best of public interests’.<sup>3</sup> While the definition of *non-governmental* organizations has a *functional understanding*, a role playing, the term non-profitable does not entirely capture a role beyond an operational dimension.

Although at first sight this does not seem to be a problem, the exclusively definition in legal terms as only non-profit, makes their original non-governmental, third sector function inexistent to the state.<sup>4</sup> In the democratization phase – and especially in the Balkans – where challenges to be faced are often requiring an action that is more of a non-governmental nature, this legal definition and ignoring of this dimension defines a less operational Civil Society in relation to the government structures.

This definition becomes even more problematic, or maybe non-functional, when looking at events of major non-governmental action in Albania like those civic actions against the dismantling of Syrian chemical weapons in Albania or the Alliance Against Waste Import which led a major protest against the import of waste in Albania and even led to the amendment of Law no. 10463 ‘On the integrated management of waste’.

On the other hand, this non-profitable definition emphasizes the fact that

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<sup>3</sup> Republic of Albania. *Law no. 8788*, 07.05.2001, Article 1. [http://www.shgish.com/doc/baza%20ligjore/Ligj\\_8788\\_07.05.2001.pdf](http://www.shgish.com/doc/baza%20ligjore/Ligj_8788_07.05.2001.pdf).

<sup>4</sup> Originally, Civil Society was seen and defined as the frontrunner in opposing tyranny or every kind of non-democratic power exercised. For such argument see Michael Bernhard, Civil Society and Democratic Transition in East Central Europe, *Political Science Quarterly*, 108: 2. (Summer, 1993), pp. 307-326.

especially in what is called a literature of the north,<sup>5</sup> partnership in between the government and the non government is major, thus shadowing this ‘governmental’ distinction while bringing forward what could be seen as more important ‘profit’ distinction.

Nevertheless later on, the Civil Society Chart, adopted in 2009, officially refers to Civil Society organizations as non-governmental organizations when now talking about the partnership in between governmental and non-governmental structures. The Civil Society Charter is an agreement between the state on the one side and Civil Society on the other which ‘aims to establish a partnership between the non-governmental sector in Albania and the government at national and local level...’<sup>6</sup> It is visible that when Civil Society organizations have to deal with the government directly, the governmental side recognizes their non-governmental character in both name and function.

This section was important in mainly defining how Civil Society is seen and approached officially in the public discourse in order to further analyze its role. As the main actor in the democratization and especially EU integration process is the government,<sup>7</sup> this section was necessary to define how CSOs are seen from the government side and how is their role perceived in relation to this main ‘responsible’ actor that fulfils conditions and is officially referred to as ‘Albania’ in the EU progress reports, communications, recommendations, etc.

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<sup>5</sup> David Lewis, *Bridging the gap: the parallel universes of the non-profit and non-governmental organisation research traditions and the changing context of voluntary action*. International Working Paper Series, 1, (Centre for Civil Society, London School of Economics and Political Science, London, UK, 1998). <http://eprints.lse.ac.uk/29089/1/int-work-paper1.pdf>.

<sup>6</sup> Draft of The Civil Society Charter 2009, cited in Gjergji Vurmo, et. al. Civil Society Index for Albania: In search of citizens & Impact. *IDM, CIVICUS and UNDP*. (Tirana 2010). p. 8. <http://www.al.undp.org/content/dam/albania/docs/Civil%20Society%20Index.pdf>.

<sup>7</sup> This does not exclude the Legislative and the Judiciary, although the Executive is perceived as amore acting and representing actor when it comes to defining Albania as a country.

## **The Role of CSO in Albania in the Democratization and EU Integration Process**

For more than two decades, CSOs in Albania have acted as direct or indirect contributors to democratization and EU integration. As EU integration efforts have characterized transition it is difficult to separate CSOs efforts from other actors' efforts in taking care of many issues related to the EU integration. Also, CSOs role in the process could have been concerned secondarily with EU integration while contributing to other societal concerns, but has indirectly contributed to the integration process given the fact that radical transformation at the societal level is part of the EU integration becoming 'the only game in town'.<sup>8</sup> In this way, CSOs actions and efforts to develop the Albanian society and contribute to democratization have directly or indirectly affected the country's EU integration. Nevertheless, some CSOs – especially during the last years – have been directly involved with issues of EU integration.

In order to analyze CSOs role, it is important to look at their profile as actors in two dimensions: as targets of EU policies and efforts on the one hand and as an active factor that acts independently and contribute to EU integration on the other hand. It may first look like a paradox that during the pre-membership phase the EU aims to build an actor which is also expected to contribute to the county's preparation for membership. Nevertheless, although this division is made for analytical reasons, in the case of Albania, these two processes of building Civil Society and of engagement of Civil Society in the process have been moving on parallelly and not in a chronological sequence. The analysis shall start from looking at EU policies that aimed at building and promoting the development of an active Civil Society in order to further analyze how Civil Society efforts have help democratization and EU integration.

### *1) Civil society as a target of EU policies*

The building of Civil Society has been often a mainline for the EU and

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<sup>8</sup> See Albanian Centre for Competitiveness and International Trade (ACIT), *An analysis of the costs and benefits of the process of Albania's integration in the European Union*, (Tirana, June 2014).

other foreign actors acting in the Balkans and Albania when referring to the modalities and actors that would bring legitimacy to the process and also promote it in a way that was more touchable for the wider public. This because, ‘a healthy Civil Society is an indispensable ingredient of the project of building democracy in the Balkans and therefore of the goal of integrating the region into the EU.’<sup>9</sup> Thus, a healthy Civil Society is constantly seen as an indispensable and necessary condition for democratization and EU integration.

As Civil Society is considered so vital for the process, EU policies and enlargement strategies as well as progress reports and recommendations have been constantly emphasizing its role and trying to empower this actor throughout the process.<sup>10</sup> Civil society has been defined as equally important in the process if referring to the words of the former EU Ambassador to Albania, Ettore Sequi, ‘the role of NGOs to make the country advance towards Albania’s EU accession perspective is very important, in parallel with efforts and commitments from the Government side’.<sup>11</sup> At the same time, inclusion of CSOs in the process of EU accession, especially during the negotiation phase, is now considered a necessary condition for the multi-actor approach that the EU requires from candidate countries.

The EU also remains one of the main donors of Civil Society in Albania. Since 2007, the EU support for CSOs has reached over €12.5 million ‘to promote, amongst others, the respect of human rights and social inclusion, the fight against corruption, the conservation of cultural heritage, and the protection of the environment’.<sup>12</sup> With this budget, the EU is one of the major donors of Civil Society in Albania.

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<sup>9</sup> Rosa Balfour and Corina Stratulat, *The democratic transformation of the Balkans*. European Policy Centre (Issue Paper No. 66, November, 2011). p.42.

<sup>10</sup> See for example the emphasize put on Civil Society role and empowerment in European Commission, *Enlargement strategy and main challenges 2007-2008*, (Brussels, COM(2007)). [http://ec.europa.eu/enlargement/pdf/key\\_documents/2007/nov/strategy\\_paper\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/strategy_paper_en.pdf)

<sup>11</sup> Delegation of the European Union to Albania, *€1.2 million of EU funds in support of Civil Society organisations to strengthen democracy and human rights* (Press Release, February 3, 2014). [http://www.eeas.europa.eu/delegations/albania/press\\_corner/all\\_news/news/2014/20140203\\_en.htm](http://www.eeas.europa.eu/delegations/albania/press_corner/all_news/news/2014/20140203_en.htm).

<sup>12</sup> Ibidem.

Nevertheless, although the integration process ‘has the potential to empower the non-state actors through changes in the legal settings (laws), financial resources (funds), cognitive capacities (expertise) and socialization (like-minded organizations) available for Civil Society groups and actors during the EU accession process’,<sup>13</sup> the building and empowering approach towards an actor that should be primarily, by definition, rooted in society, independent from other actors and founded on the societal needs has its shortfalls.

First, the peril of the top-down approach of ‘building’ an actor to legitimize the process makes this actor dependent to the least and powerless in genuinely affecting the process or even confronting it, to the last. It is difficult to imagine an extensive impact in the modalities of the process of EU integration when one of the aims of the process itself is to build and empower this actor. So while these CSOs are empowered, they are already given the modalities and framework of the game while being a product of it; not a shaping actor, especially when some kind of opposing modality is needed, even against the process itself.

Second, as the agenda and fields of action have been already defined and set for the process primarily by the EU and furthermore by state actors, CSOs do naturally engage into a *reactive* rather than *pro-active* approach towards the process. Apart from the immediate consequence of CSOs becoming technical partners in the process, this also leads to a detached relation of these organizations with citizens and interest they are meant to represent and promote.

‘EU’s financial support programs show little flexibility and ‘understanding’ towards country-specific conditions of Civil Society development and interest groups advocacy’,<sup>14</sup> while also being very selective in the profiles of the CSOs in specifically empowering some and neglecting others. This mainstreaming of CSOs into an already designed process disables their pro-

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<sup>13</sup> Tanja A. Börzel and Aron Buzogany cited in Dorian Jano, Besjana Kuçi and Elira Hroni, *‘Latent’ Interest Groups Involvement in Coping with the Challenges of EU Accession: The Case of Albania*. (Institute for Democracy and Mediation: Tirana, 2012), p. 10. [http://idmalbania.org/sites/default/files/publications/mapping\\_report-\\_final\\_-\\_english.pdf](http://idmalbania.org/sites/default/files/publications/mapping_report-_final_-_english.pdf).

<sup>14</sup> Ibidem, p.20.

active approach, despite the fact that they can still serve as balancers and watchdogs for governmental structures.

## 2) *Civil society as **an actor** in democratization and EU integration*

Throughout the first post-communist decade, CSOs in Albania were covering issues that governmental and state structures were either unable or unwilling to deal with. These were mainly *social issues* related to human rights, youth, media, poverty, etc. Human rights issues were especially prominent and the categories covered were women, children and Roma.<sup>15</sup> With the war in Kosovo and the waves of refugees coming to Albania in late 90s, some organizations did also focus on those problems that were specifically related to the war and its consequences from a humanitarian point of view. This period also saw the birth of so called think tanks in Albania and the expansion of Civil Society in quantitative terms, when the number of established CSOs almost doubled.<sup>16</sup> Accordingly, Civil Society had much of an original role in digging up and promoting action and advocacy on issues of human rights, while also sometimes acting more efficiently on issues that were being taken care of by state institutions.

Despite this first wave of important engagement on a societal level, according to Xhillari, Cabiri and Frangu the *maturation phase for Civil Society*, started when a more *structural engagement* in both democratization and more EU oriented issues developed through a shift ‘from the protection of civic, political, economic, social and cultural rights to improving the quality of governance and its outcomes.’<sup>17</sup> During this maturation phase CSOs’ role in Albania started to be recognized more openly by both international actors and the government and state structures. Thus, CSOs started to engage

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<sup>15</sup> For a general overview on the early development of human rights CSOs in Albania see Lindita Xhillari, Ylli Çabiri and Armand Frangu, *Third Sector Development in Albania: challenges and opportunities*, (Human Development Promotion Centre (HDPC), Tirana, 2012). [http://euclidnetwork.eu/eu-funding-and-policy/resources/doc\\_view/119-third-sector-development-in-albania.html](http://euclidnetwork.eu/eu-funding-and-policy/resources/doc_view/119-third-sector-development-in-albania.html).

<sup>16</sup> Civicus, ‘Civil society Profile: Albania’, in *State of Civil Society 2011 Report*, (World Alliance for Citizen Participation, Johannesburg, South Africa, 2012), p. 163-166. <http://socs.civicus.org/2011/wp-content/uploads/2012/04/State-of-Civil-Society-2011.pdf>.

<sup>17</sup> Lindita Xhillari, Ylli Çabiri and Armand Frangu (2012): p. 23.

actively into drafting laws and strategies and more generally into policymaking. Given their expertise and engagement, CSOs were consulted in drafting strategies such as the National Strategy for Economic and Social Development, the National Strategy against Trafficking, the Strategy for the Roma Community as well as the Strategy on People with Disabilities.<sup>18</sup> Civil society was also an important advocate for the 2010 Law ‘On Protection from Discrimination’. Furthermore, a more activist oriented approach was adopted by some organizations which would still engage in social activities, especially with youth, and also election monitoring, advocacy and anti-corruption.

Especially in relation to anti-corruption, transparency and good governance, a series of initiatives have made Civil Society the most active and reliant actor in the subject. In a 2011 survey, ‘60% of CSOs surveyed believe Civil Society has tangible impact on transparent governance and 42% on tackling corruption’,<sup>19</sup> which are relatively high rates compared to other areas of action. The frontrunners in such initiatives have been mainly international organization such as USAID, and Transparency International, but also local organizations such as Partners Albania. USAID has mainly focused on regional and national programs such as the founding of the Albanian Coalition for Anti-corruption (ACAC).<sup>20</sup>

On the other hand, Transparency International and Partners Albania have been mainly dealing with local governments with the first implementing projects such as ‘Transparency of Local Governance’ and ‘Enhancing transparency and promoting a participatory decision-making process in the local governance in Albania’,<sup>21</sup> and the other dealing with projects such as been ‘Transparency of local governments in providing services’ and ‘Curing

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<sup>18</sup> Pepivani, N. ‘Social Dialogue with Civil Society Actors: Lessons Learnt in Albania’, in *The Role of Civil Society in the EU Integration and Democratization Process in the Balkans*, (Balkan Civil Society Development Network, Skopje), p. 56. <http://www.balkanicsd.net/images/stories/publications/balkan-civic-practices-1.pdf>.

<sup>19</sup> Civicus, (2012): p. 166.

<sup>20</sup> More info on these initiatives can be found at Lejla Sadiku, *Albania, Civil Society against Corruption*. (September 2010). [http://www.againstcorruption.eu/uploads/rapoarte\\_finale\\_PDF/Albania.pdf](http://www.againstcorruption.eu/uploads/rapoarte_finale_PDF/Albania.pdf).

<sup>21</sup> More information on these projects can be found at: [http://www.tia.al/en/?page\\_id=55](http://www.tia.al/en/?page_id=55) and at: [http://www.tia.al/en/?page\\_id=63](http://www.tia.al/en/?page_id=63).

and preventing corruption at local governments in Albania'.<sup>22</sup> A recent important project on the field is the Anti-Corruption Programme launched in April 2014 by Balkan Investigative Reporting Network (BIRN) Albania.<sup>23</sup>

With the signing of the Stabilization and Association Agreement (SAA), Civil Society increasingly started to acquire both a *complementary role* and *monitoring role* to governmental efforts in the process of EU integration. On the complementary side, CSOs were increasingly taking part in drafting strategies, laws and EU integration action plans by advocating on specific policy changes. As the last example of Civil Society pushing for a draft law, was the case with the law on the right to be informed, which was proposed and advocated by Civil Society and recently entered into force. When asked about this role in 2011, '74% of CSOs declared that they had pushed for a policy change in the past two years but only 38% of those that did so reported success in their advocacy, suggesting systemic barriers to advocacy or enduring capacity challenges.'<sup>24</sup>

Within the same complementary framework and independent efforts of Civil Society to analyze the process by contributing to it, Civil Society has also conducted independent research on the EU integration issues. The most recent one has been the research project 'An analysis of the costs and benefits of the process of Albania's integration in the European Union',<sup>25</sup> conducted by the Albanian Centre for Competitiveness and Trade (ACIT). This came as a necessity because of the lack of similar analysis from the governmental side.

Apart from these efforts, CSOs increasingly started engaging into a monitoring and a 'watchdog' role towards implementation of strategies, law enforcement, as well as Albania's priority meeting in relation to the specific priorities set out by the European Commission to be met in order for Al-

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<sup>22</sup> More info can be found at Partners Albania webpage: <http://www.partnersalbania.org/?fq=brenda&m=shfaqart&aid=171&gj=gj2>.

<sup>23</sup> For more info visit Balkan Investigative Reporting Network (BIRN) Albania: <http://birn.eu.com/en/news-and-events/birn-albania-launches-anti-corruption-programme#sthash.Im0SSfva.dpuf>.

<sup>24</sup> Civisus (2012): p. 166.

<sup>25</sup> Albanian Centre for Competitiveness and Trade (ACIT), *An analysis of the costs and benefits of the process of Albania's integration in the European Union*, (Tirana, June 2014).

bania to be granted EU candidate status or the opening date of membership negotiations. OSF efforts have been especially noticed in this regard. OSF Albania has a specific programme dedicated to good governance and EU integration. Most noticeably, in 2011, together with other researchers from Civil Society, a monitoring report was issued on ‘The action plan for addressing the twelve priorities of the EC’s opinion for Albania’.<sup>26</sup> A similar monitoring activity is being currently conducted by the same organization in relation to the National Plan for European Integration. Furthermore, other CSOs, like the European Movement Albania (EMA) have engaged in monitoring the participation of Civil Society in IPA funding and regional cooperation.<sup>27</sup>

Moreover, in relation to regional cooperation, Civil Society has worked actively in moving beyond the formal meetings, summits and governmental level talk, which mostly have had a formal political and economic nature without really touching the social tissue of fragile relations within the Balkans. Civil Society has definitely touched upon the human side of the process more by getting involved and pushing forward for regional projects, summer schools, youth conferences and training as well as capacity and expertise exchange between countries in relation to EU integration. Borders in the Balkans have become porous because of these human contacts more than because of high level meetings.

When it comes to the activist side of Civil Society, which adopts a literal anti-governmental profile in protecting citizens from their own governments, in Albania the most recent events have included the wide social protests against the import of waste from EU countries to Albania and against the dismantling of Syrian chemical weapons in the country. Major protests occurred in the streets of Tirana against both import of waste and import of chemical weapons in order to coerce the government to step back from their already taken decisions or decide anew on others. On all of

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<sup>26</sup> The full report Open Society Foundation Albania (OSFA), *The action plan for addressing the 12 priorities of the EC’s opinion for Albania*, (Tirana, 2011), can be found here: <http://www.soros.al/2010/foto/uploads/File/Raporti%20Final%20-%2012%20Prioritetet%20-%20Shqip.pdf>.

<sup>27</sup> See European Movement Albania (EMA), *Assessing Integration: Problems and Solutions to Adapting IPA in Albania, Bosnia and Herzegovina, Montenegro and Macedonia*, (Tirana, 2010). <http://www.logincee.org/file/22942/library>.

these civic movements, Civil Society organizations like the Alliance Against Waste Import (AKIP) – composed of a series of organizations and active people – were leading actors or partners in citizens’ mobilization and in drafting specific requirements. These protests success in amending the law on waste management – thus banning waste import – and in making the government refuse dismantling of Syrian chemical weapons to Albania changed peoples’ perspective on Civil Society’s engagement in similar social movements and also made the government aware of the potential of Civil Society in the country.

### **State institutions and the governmental side: a needed partnership with CSOs**

When looking at the government side and its’ stances, actions and initiatives towards Civil Society and its role in democratization and EU integration, it is visible that the two sides lacked a long-term partnership on specific issues. On the one hand, many democratization issues, especially those related to post-communist transition and a participatory political culture,<sup>28</sup> would often require Civil Society to act independently from government and sometimes even against the government when citizens’ rights and interests are being underplayed and abused. On the other hand, especially when it comes to European integration and the national consensus needed over important decisions and sometime painful reforms, it is necessary for the government as the official responsible actor in reforms to establish a long-term partnership with as many actors as possible in society. In this regard, it becomes mandatory for a healthier integration process to establishing institutional mechanisms and structures in order to accommodate such an important actor as Civil Society into a long-term partnership with the government over EU integration.

With the country’s advancement with the EU membership steps, increasingly an inclusive decision-making approach was needed. Despite the rhetoric developed during these last years, no formal mechanisms have been yet developed to include Civil Society in the process, while sporadic initia-

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<sup>28</sup> For a seminal work on the classification of political cultures see Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (SAGE Publications, 1989).

tives invited CSOs when they had been especially vocal in pushing for a draft law or strategy. As mentioned above, the lack of formal and systematic mechanism of consultations has diminished the chances of going beyond formal consultations and measurable impact.

‘Consultation of Civil Society in the legislative process and the involvement of relevant interest groups in policy processes remain insufficient and of low quality. In the recent years CSOs have been consulted on some particular legislative initiatives. Yet no systematic dialogue or proper mechanisms are in place. Furthermore, even when Civil Society groups are called to consultations those remains often very formal with no concrete results on the policy output.’<sup>29</sup>

Nevertheless from 2007, state structures have put more efforts into the process, also because of what has been previously defined as an EU conditionality to build and develop Civil Society, which also include conditioning governments and state structures to better accommodate CSOs needs and contributions into the process. Thus, in 2007 a separate budget line was established by the Council of Ministers in order to support Civil Society followed by the founding of the Agency for the Support of Civil Society (AMSHC) in 2009 which deals primarily with the distribution of funds for Civil Society.<sup>30</sup> As mentioned in the first section of this paper, 2009 was also an important year for the government- Civil Society partnership, at least in formal terms, as the Civil Society Chart was proposed and for the first time, the aim of such a long-term partnership was underlined.

Most recently, in 2013, while waiting for the granting of the EU candidate country status, the Ministry of European Integration in Albania established the Sector for Civil Society and Strategy under its Directory for Priority Implementation and European Secretariat, the first structure within the ministry which is dedicated to the coordination of work and efforts with Civil Society. Furthermore, in December 2013 a tailored conference – ‘Social Partners: Time for Action’ – was organized to bring together CSOs and the government in order to ‘establish the basis of an official dialogue with

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<sup>29</sup> Dorian Jano, Besjana Kuçi and Elira Hroni, *‘Latent’ Interest Groups Involvement in Coping with the Challenges of EU Accession: The Case of Albania*. (Institute for Democracy and Mediation: Tirana, 2012), p. 12. [http://idmalbania.org/sites/default/files/publications/mapping\\_report\\_final\\_-\\_english.pdf](http://idmalbania.org/sites/default/files/publications/mapping_report_final_-_english.pdf).

<sup>30</sup> Republic of Albania, *Law no. 10093*, March 9, 2009, ‘For the Organization and functioning of the Agency for the Support of Civil Society’. [http://www.amshc.gov.al/web/doc/ligjore/LIGJ\\_Nr.\\_10093\\_date\\_9.3.2009.pdf](http://www.amshc.gov.al/web/doc/ligjore/LIGJ_Nr._10093_date_9.3.2009.pdf).

the new government for creating an enabling legal and practical environment towards the advancement of Civil Society as a social partner and an integral part of policy making and decision making processes in the country.<sup>31</sup> Once more, during this conference, CSOs asked for the institutionalization of the government- Civil Society relationship through the creation of specific structures and mechanisms that represent this commitment.

After the granting of EU candidate country status to Albania, plans for the founding of the National Council for European Integration have intensified. According to the Minister for European Integration in Albania, Klajda Gjasha, CSO actors and representatives from Civil Society will be an integral part of the National Council which is expected to represent an important consensus-building body and discussion medium for many actors in Albania over the consensus-needed process of EU negotiations, which are expected to start in the near future.<sup>32</sup> From a recent international conference in Tirana,<sup>33</sup> representatives from the Ministry of European Integration of Albania also expressed their willingness to engage experts from already members or other candidate countries from the Western Balkans – such as Croatia, Montenegro or Serbia – in order to adopt their knowhow and the best practices from the region.

## Conclusions and Recommendations

Looking back at more than two decades of post-communist transition in Albania, it is difficult to understand the process of democratization in the country without the wider paradigm of European integration and the role of Civil Society in both of these processes. Throughout the period, CSOs have been both a target of EU policies that aimed at constructing and em-

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<sup>31</sup> Balkan Civil Society Development Network, ‘*Social Partners - Time for Action*’ (Tirana, December 13, 2013). <http://www.balkan-csd.net/index.php/bcsdn-news/members-news/1779-live-qsocial-partners-time-for-actionq>.

<sup>32</sup> Ministry of European Integration, *Organizohet tryeza e rrumbullakët: ‘Aktorët e shoqërisë civile dhe integrimi evropian’*, (Tirana, October 22, 2013). <http://www.integrimi.gov.al/al/newsroom/lajme/organizohet-tryeza-e-rrumbullaket-aktoret-e-shoqerise-civile-dhe-integrimi-evropian&page=11>.

<sup>33</sup> Albanian Institute for International Studies, ‘*A new chapter for Albania’s Integration in a changing EU: Challenges after the candidate status and enlargement policy under the Italian presidency*’ (Tirana, September 30, 2014).

powering them and an actor in the process of democratization and EU integration. Especially by being pro-active and involved in contributing to both democratization and EU integration, CSOs have worked and contributed to a variety of issues: from human right protection and contribution to policy-making, to the development of anti-corruption practices, open governance and accountability as well as civil mobilization in pushing for specific policy changes. While contributing to the above fields, CSOs have voluntarily or involuntarily adopted many positions in relation to the government: marginal actors, independent advocates, mediators, as well as opponents and situational partners. The more Albania advances with the EU membership steps, the more Civil Society and the government are willing to engage in an institutionalized long-term partnership over EU integration and over the major reforms needed in the process.

In relation to the government- Civil Society long-term partnership in Albania, there are some important recommendations to be delivered:

- While the partnership advances and the National Council on European Integration is going to be founded soon, there will also be an increased need for Civil Society to engage in this process as a compact and cohesive actor. Thus, more internal cooperation within Civil Society is necessary in order to speak with one or preferably with a similar voice.
- Partnership is a good way forward, but this should not shadow what proved to be a powerful mobilization function of Civil Society which most of the time takes the shape of anti-governmental initiatives.
- As the process of negotiations is expected to start in the near future, Civil Society 's active participation and expertise will make a difference in concluding chapters in a timely manner, thus such participation will be vital to the membership of Albania into the European Union.

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## The Croatian Case – The Big Discrepancy between Theory and Practice

*Drago Pilsel*

The European Economic and Social Committee recommends that the European Commission, the Council of the European Union and the European Parliament:

- Increase their communication efforts to explain the benefits and challenges of enlargement policy to EU citizens, in cooperation with Civil Society organisations.
- Disclose all key documents for accession negotiations i.e. screening reports, translations of the EU *acquis* and opening and closing benchmarks and that these documents should be published on the websites of the EU Delegations.
- Make it compulsory for enlargement countries to adopt and implement legislation on public access to information, public consultations and ensure that this is an integral part of the progress monitoring process.
- Apply the *DG Enlargement Guidelines for EU Support to Civil Society in Enlargement Countries 2014-2020*<sup>1</sup> equally in all enlargement countries and revise these guidelines in order to address in more detail the specific challenges faced by the social partners in the context of social dialogue.
- Aim to fully implement the *DG Enlargement Guidelines for EU Support to Media Freedom and Media Integrity in Enlargement Countries, 2014-2020*.<sup>2</sup>

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<sup>1</sup> [http://ec.europa.eu/enlargement/pdf/civil\\_society/doc\\_guidelines\\_cs\\_support.pdf](http://ec.europa.eu/enlargement/pdf/civil_society/doc_guidelines_cs_support.pdf)

<sup>2</sup> [http://ec.europa.eu/enlargement/pdf/press\\_corner/elarg-guidelines-for-media-freedom-and-integrity\\_210214.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf)

The EESC also recommends that the national governments:

- Adopt and publish a written policy on access and disclosure of negotiation-related information, ensuring that:
  - negotiation structures, procedures and timetables are transparent and publicly available;
  - national negotiation positions are available to members of parliament and that their summaries are, at the very least, available to the public.
- Invite representatives of Civil Society, including the social partners, to take part in all expert groups, chapter working groups and meetings of the core negotiation team whenever they are affected by accession issues.

Although the accession process does not provide conditionality in the area of transparency and inclusiveness, public expectations in this area are increasing in those countries negotiating their EU accession.

In the case of Croatia, there was a lack of information about the technical procedures for negotiations: although a protocol on internal policy coordination on EU negotiation positions was adopted, it was never actually published in the official gazette.

All EU negotiation related documents produced by the Croatian Government, other than legal drafts, were discussed and adopted during government sessions held *in camera*.

This meant that the public could not even request non-classified documents as there was no formal information about their existence. It took several years of Civil Society pressure before the government began to publish basic information about the documents discussed during the sessions. In terms of parliamentary oversight, Slovenia's good practice was unprecedented – the national parliament had the right to veto negotiation positions,<sup>3</sup> which were also disclosed to the public. While the Croatian Parlia-

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<sup>3</sup> <http://www.ijf.hr/eng/EU4/marsic.pdf>.

ment acted competently as a guardian of the political consensus throughout six years of cumbersome EU negotiations, it fell short of catalysing the broader engagement of parliamentarians, experts and general public in policy deliberations.

Negotiation positions and reports were restricted to government officials and selected groups of members of the National Committee for Monitoring the Accession Negotiations, resulting in the virtual exclusion of the vast majority of MPs, let alone the general public. This scenario should not be repeated in the forthcoming rounds of negotiations.

Timely insight on the part of non-state actors and the media and the independent monitoring of the negotiation process were also hindered by the fact that the documents produced by the European Commission and the Council, such as EU Common Positions, were not the property of the Republic of Croatia. As a result, the Croatian government claimed that it had no authority to disclose them. This was accompanied by a lack of proactive disclosure on the part of the EU institutions.<sup>4</sup> Timely access to these key documents for negotiations is crucial for Civil Society input and contribution, informed media reporting and independent monitoring of the governments' actions to meet their obligations.

Civil society engagement in the accession process consisted of (1) direct involvement in the negotiations (i.e. screening, preparation of national positions, oversight of progress) (2) social and civil dialogue related to policy formulation and legislative harmonisation with the *acquis* (3) participation in the programming of pre-accession funding (4) independent monitoring of progress and social effects of the reform processes. The performance of these roles required adequate financial support, through national government and EU pre-accession funding.

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<sup>4</sup> In practice, the Council has released accession-related documents upon demand, upon extraction of sensitive information mostly related to the positions and documents owned by the Member States, on the grounds that they require intergovernmental consultations and concern international relations, in line with Article 4 of Regulation (EC) No 1049/2001 of 30 May 2001. The classification policy of the Council also restricts access to accession-related information in the European Parliament, where special rooms are set aside for storing and viewing classified documents.

The Croatian working groups for the preparation of negotiation positions included a high proportion of Civil Society experts (over one third of all members). Open calls for applications were organised and the names of all working groups' members were published. Yet, in the case of Croatia, the scope of involvement was largely dependent on the leadership style within each group: in some cases, Civil Society members did not have an opportunity to see the draft negotiation positions required. Accordingly, Civil Society input primarily concerned the initial screening phase, with little impact on the design of the negotiation strategy and early assessments of social and economic costs and benefits.

The EU institutions have provided several channels for consultation with Civil Society in order to collect evidence on the progress of accession-related reforms, including online correspondence, annual Civil Society consultations in Brussels, in-country meetings, briefings and public events during visits by EU officials. The Commission has also been open to independent monitoring reports prepared by Civil Society organisations. Yet the Commission has admittedly been much more proactive towards NGOs than towards trade unions and business associations. This is evident in terms of the level of contact as well as the scope and purpose of pre-accession funding schemes for capacity building and policy monitoring.

If we look back at Croatia's accession process, it represents a missed opportunity to strengthen the social dialogue in this country in connection with its EU accession, which could have helped to ensure more effective and sustainable conditions for Croatia's EU membership, as had happened in Bulgaria.

National economic and social councils were not sufficiently used to debate the social and economic adjustment costs and support measures, nor for the programming of pre-accession assistance. A very low proportion of pre-accession funding was directed towards strengthening social dialogue structures and the organisational capacities of the social partners. The capillary structure of the business associations and trade unions should be used more fully as key platforms for the deliberation of the accession costs and benefits and the timely preparation of the economy.

In terms of policy formulation, in the case of Croatia and in line with nega-

tive trends in the previous rounds of accession, over 80% of acquis-related legislation was fast tracked, often without any public consultation, with a minimum scope of regulatory impact assessments (RIAs), damaging the quality and transparency of the legislative drafting.<sup>5</sup>

On a more positive note, the programming of the Instrument for pre-accession assistance (IPA) was inclusive, especially as regards the Civil Society component, and was steered by the Council for Civil Society Development, with technical support from the Government Office for Civil Society.

This led to the development of highly relevant grant schemes, supportive of independent policy monitoring in several critical reform areas and allowed for the important intervention of social partners in allocating funding for strengthening competences for social dialogue. The inconsistency between the two processes described above should be avoided and the inclusive approach in policy-making should always prevail in the forthcoming accession processes.

As a strong supporter of enlargement policy, the EESC has set up joint consultative committees (JCC), which bring together CSOs in order to draw up recommendations for the political authorities on both sides and to foster public debate on EU integration in enlargement countries. These structures have enabled informed discussions about the negotiations, based on multiple perspectives, and made it possible to identify the consequences of adopting the EU acquis for different sections of society, supporting Civil Society engagement in the process. In addition to the JCCs, the Western Balkans Civil Society Forum serves as a regional platform for addressing political authorities and provides opportunities for networking among WB CSOs, while analysing the major problems of Civil Society in the region.

According to the proposal for the program for cooperation between the government and the non-governmental and non-profit sectors which was adopted in the year 2001, the government of the Republic of Croatia made a commitment to include non-governmental and non-profit organizations

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<sup>5</sup> SIGMA Assessment Croatia, May 2011.

in the process of preparing, implementing, following and evaluating new legislative measures and public policies.

The position of the government was that the areas of foreign policy and international relations were of growing interest for the citizens of Croatia, due especially to the intensification of the process of European integration and the increasing public debates concerning key Croatian foreign policies.

This, however, was never implemented. And as I will conclude, there is a big discrepancy in Croatia between theory – that what the government says – and practice – that what the non-governmental sector observes. Since the topic of European integration is, unlike many other areas, still a topic which does not cause much conflict in Croatia, and keeping in mind that this process involves almost all areas of the political, economic, and social life of the country, and that it covers all sectors in which Civil Society organisations are active, the accession process of becoming a full EU member should have been a catalyst for adopting European principles of good governance and a foundation for developing and strengthening a culture of dialogue and introducing effective advisory measures between the government and the non-governmental sector.

Due to the government's poor communication policies, however, the turnout for the referendum concerning Croatia's accession into the EU was very low. Only 43,51% of Croatian citizens voted, of which 66,27% voted in favour of joining the EU.<sup>6</sup>

It is unfortunate that the government has not opened its policies to the citizens and the civil sector. Civil Society organisations in Croatia carry out numerous programmes and projects in the region which support the goals of the EU and they have already developed a communication and cooperation network.

These programmes cover a wide range of areas, from the protection and promotion of human rights, the protection of cultural and natural heritage, cooperation with associations for people with disabilities, to the develop-

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<sup>6</sup> [http://en.wikipedia.org/wiki/Croatian\\_European\\_Union\\_membership\\_referendum,\\_2012](http://en.wikipedia.org/wiki/Croatian_European_Union_membership_referendum,_2012).

ment of environmental protection programmes and sustainable development, cooperation on a humanitarian basis between veterans' associations, building peace and stability, helping returning refugees, fighting organized crime and corruption, and more recently a cooperation regarding questions of asylum.

Unlike the government and business sectors, Civil Society has the means and the ability to approach the people. Regional programs and projects are resources for regional and sectoral networking, exchanging experiences and information, and they present a means to define common strategic goals for the region. Dialogue between Civil Society organisations in Croatia and the neighbouring countries can contribute to finding solutions to a large number of unresolved questions more quickly than the often much slower traditional route using official diplomacy.

Croatia became a member of NATO on 1 April 2009.<sup>7</sup> The process of membership was absolutely not transparent. Civil Society was not included in any way at any time in the process. The government avoided carrying out a referendum even though many Civil Society organisations demanded one. And today there exists a certain animosity between Civil Society organisations and the government structures. This can be clearly seen in a statement made by the Centre for Peace Studies in Zagreb on the occasion of the International Day for Peace on 21 September 2014.

I quote:

‘This year more than ever, the goal of achieving global peace appears to be slipping out of reach, and the possibility of a large global conflict seems to be becoming more and more real. In light of this, the ease with which we accept the escalation of international relations, the introduction of war rhetoric and the increased spending for armament, especially among the NATO member states, is surprising.

Twenty years after the conflicts in Croatia and in Bosnia Herzegovina and 15 years after the conflict in Kosovo, we are experiencing another armed conflict in a European country and once again we are witness to the weak European diplomacy and the inability of our countries to contribute to a peaceful resolution to the conflict.

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<sup>7</sup> [http://en.wikipedia.org/wiki/Croatia%E2%80%93NATO\\_relations](http://en.wikipedia.org/wiki/Croatia%E2%80%93NATO_relations).

Certain elements of the conflict in Ukraine remind us, especially in Croatia, of the armed conflict which we experienced not too long ago. Croatian policies should be able to use our experiences from that time, the good as well as the bad, as a basis for participating in a pro-active way and mediating in the conflict between Ukraine and Russia. In this way, Croatia should be able to position itself as a country which is actively involved in the prevention of armed conflicts and in peacebuilding in the world.

We assume that the majority of Croatians will express solidarity with the Ukrainian people and their fight against the separatists who are being supported by the powerful Russian army. But at the same time we need to be aware that in the Ukrainian conflict there are politicians on the Ukrainian side who are using nationalistic rhetoric in order to mobilize the people. It seems they are not aware of the fact that this kind of rhetoric often leads to the formation of extreme radical groups, who believe that this environment gives them permission to commit crimes against civilians. This rhetoric also promotes unacceptable fascist ideology for which the official policy may eventually lose support from democratically oriented citizens in the whole world.

No matter which side we as citizens tend to support, our final goal must be to attain peace and to prevent the spreading of armed conflicts. This will not be achieved by simply taking one of the sides and NATO demonstrating its military force. It can only be achieved through persistent negotiations in order to find a sustainable solution which will respect not only international state borders but also minority rights which include the right to their own cultures, languages, and ethnic identity. This is where Croatian foreign policy can offer useful experience and help: instead of contributing to the military budget of NATO, it could contribute to building global peace.

As citizens who advocate peace, we are disappointed by the fact that today Croatian weapons are being used by the warring parties in Syria. Weapons from our country are in the hands of ISIS members, Islamic States fighters as well as in the hands of their opponents, the Iraqi Kurds – instead of our country destroying them symbolically and sending a message to the world. Instead of using our experience of war and the consequences of war, which we still feel even today and contributing on a civil and diplomatic level to achieving global peace, our weapons are NOW being used to arm warring parties, one side today, the other side tomorrow, depending on who at the moment is considered acceptable to the allies. We are disturbed by this kind of amateurism in international relations.<sup>8</sup>

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<sup>8</sup> <http://cms.hr/izjave-za-javnost/izjava-centra-za-mirovne-studije-povodom-medjunarodnog-dana-mira-imamo-li-kome-cestitati-danasnji-dan>.

# **The Role of Civil Society in Selected South East European Countries – Legal and Political Aspects**

*Habit Hajredini*

## **Introduction**

The European Union is founded on the principles of freedom, democracy, respect for the human rights, fundamental freedoms and the rule of law. One of these fundamental freedoms is the citizens' right to establish various associations with the aim of pursuing a common goal, which is in respect of the aforementioned principles, and to actively participate in the society. One of most important roles of the Civil Society Organizations (CSO) within the EU and globally is civic participation in the decision making processes at local, provincial or national level or even at the international level. However, Civil Society Organizations (CSOs) seldom face difficulties in achieving this role effectively, and this is a specific challenge for countries in transition.

The European Citizen's Initiative (ECI) is the first participative transitional democracy instrument in world history. It is considered as one of the biggest discoveries of the Lisbon Treaty and it enables one million EU citizens to call the European Commission directly to propose legislation that is in their interest in a field of EU authorizations.

Hence, it is clear from international resolutions adopted in the last twenty years that there is a need to promote and strengthen citizens' participation in decision making processes. This need is acknowledged by most stakeholders in South East Europe too.

The development of a Civil Society and the establishment of functional ties between the government and Civil Society are identified as the main pre-conditions for sustainable reforms of all EU legal acts that cover the field of policies in states aspiring to join the EU.

However, before we continue unfolding some concrete possibilities to

strengthen participation and identification of a possible methodology, it is very important to accept that citizens' participation might have disadvantages to policy making and to public good, but it also has some advantages. In achieving a joint public consultation practice, several important challenges have to be addressed.

Therefore, some practices from South East Europe in the process of Civil Society development were focused and analysed, and also the structure of the governments that have established drafting and implementation of such policies. This inevitably is specific for every state in South East Europe. Some countries adopted these policies easier and faster, which now are obligatory for the states aspiring the European Union.

We are all aware that beside the process of building and consolidating of institutions, also in Kosovo, as the newest state in Europe, we as a society must work on overcoming another very important challenge. This challenge is to establish democratic culture and thought, which shall provide a basis that political decisions are taken in the service of the citizens.

As a country emerging from communist culture, our earlier government experience is that the authority is entitled to decide about everything without asking or consulting. We have seen the results of this mindset. Therefore, it is time not only for us, but for all states in South East Europe to start to seriously deal with this challenge, because there is no democracy where there is no second opinion, where there is no exchange of ideas, where discussion is missing.

Therefore, for us as a society and consequently as a government with a goal to establish and strengthen democratic values it is extremely important to open a new page on our path towards European integrations.

The first step we should take in this direction is to involve the Civil Society in policymaking, not only as a rival or critic to the government and of decisions the latter takes, but as a partner that shall assist in building a society with the citizen in the focus of attention. Establishing an inclusive culture in policymaking since the war until today is a novelty that is seeded in our country also.

We should not hesitate and we should be prepared to stress our strengths and our weaknesses. There are no big differences between the institutions and the Civil Society in Kosovo and other countries in South East Europe, as we are and we originate from the same society. There is little distinction between us! So, when we sit together and put our achievements and challenges on the table, without any personal, political or confronting interest background, only then we have achieved the peak of our democratic and representative culture. Because we should not think as individualists, but always for the benefit of the society and the processes that advances the society. Especially in establishing a culture that was absent until now, the culture of inclusiveness is key.

## **The Specific Situation of CSOs in South East European Countries**

### *Kosovo*

The government of the Republic of Kosovo, with the purpose of finding forms for cooperation and involvement of the Civil Society in policymaking and supporting the Civil Society Organizations, on 5 July 2013 adopted the Governmental Strategy on Cooperation with the Civil Society 2013-2017 and the Action Plan.

The basis for this strategy were and are the priorities of the Government of the Republic of Kosovo for better public policies, accounting and transparency, greater public trust and increase of legitimacy. The Office of the Prime Minister/Office for Good Governance together with CiviKos shall be responsible for the coordination of the entire process of the implementation of the Strategy and the Action Plan.

In the function of the implementation of the Strategy and the Action Plan for cooperation between the Government and Civil Society 2013-2017, the Government of the Republic of Kosovo at the session held on 02/04/2014, Decision No. 04/18, founded the Implementation Council for the Government Strategy for the Cooperation with the Civil Society 2013-2017. This Council shall be the main structure responsible to ensure implementation of the Government Strategy for the Cooperation with the Civil Society 2013-2017 and the Action Plan for 2013-2015, which is composed of 29 members whereby 15 are representatives of the Civil Society

and 14 are representatives of the Government of the Republic of Kosovo.

The Council shall be chaired by the Secretary General of the Office of the Prime Minister of the Republic of Kosovo (OPM) and a representative appointed by the CiviKos platform, who shall be co-chairperson. According to a decision of the Government of the Republic of Kosovo establishes that the representation of the ministries shall be at the level of secretary generals. All institutions involved in this body are informed by the OPM on the responsibilities assigned. The Office for Good Governance within the Office of the Prime Minister shall serve and play the role of the Secretariat and shall function for the development and maintaining activities necessary for the work of the Council.

The Government Rules of Procedure, Law on Local Self-Governance and Municipal Statutes, Law on Access to Public Documents, Law on Legal Initiatives, Guidelines for the Public Consultation Process, present a much consolidated legal basis for obliging the institutions to consult the public.

Civil Society in Kosovo still has a limited impact on issues of greatest concern for the citizens, such as economic development and the rule of law. The outside environment within which the Civil Society operates is not favourable and does not represent an encouraging perspective for this sector. Out of 7,452 NGOs registered in December 2013, 6,947 are local and 505 foreign/international NGOs. 6,695 of local NGOs are associations and 252 foundations.

In Kosovo there are limited mechanisms which show the transparency of Civil Society Organizations. Primary source of finances for the Civil Society Organizations in the Republic of Kosovo are international donors. However, it must be stressed that the percentage of funds provided from the budget of the Republic of Kosovo within the overall funds for the CSOs is increasing. Small organizations which act at the local level are mainly financed by the funds allocated by respective municipalities.

The applicable legal framework in Kosovo does not foresee a special mechanism for allocation of funds to CSOs, whilst public procurement procedures are the only applicable ones. Currently, there is neither a defined procedure nor a mechanism to define how the different public insti-

tutions should determine which areas to finance, how to select beneficiaries, and also the manner how these beneficiaries should report, be supervised or evaluated'. This lack of mechanisms forces various institutions to allocate public funds on an ad-hoc basis, mainly based on requests coming from different organizations.

Until now, the ministries are setting the purpose for the allocation of funds to CSOs. Beneficiary CSOs might be contacted individually by the ministries or institutions. To cover the expenses and reporting, according to the data received from the Ministry of Finance, these are covered by the budget line 'Subsidies/Transfers', while for the application for such funds public procurement and public finance management procedures and criteria are applied. The implementation of these criteria is controlled by the bodies within the respective ministries (Procurement Office, Budget and Finance Office, Certification Office). According to MoF, NGO reporting is pursuant to the Law on Public Procurement (narrative and financial reports), and in some cases these reports can be drafted upon request.

### *Montenegro*

In the last years, the legislative and institutional framework on CSOs in Montenegro has gone through important changes. The law on NGOs was adopted in July 2011 and it recognizes NGOs as nongovernmental associations and foundations. This law gives CSOs legal freedom and necessary warranties for functioning based on their organizational purposes, without obstacles and institutional intervention. These freedoms include the freedom of expression and association, which are closely regulated with similar laws. Except the Law on NGOs, two regulations dealing with participation of CSOs in the decision making process were adopted.

Furthermore, several strategic documents were also adopted, such as the Strategy for NGO Development 2014-2016 and the Cooperation Strategy between the Government of Montenegro and NGOs.

In relation to human resources, CSOs are treated like any other employer. The law on voluntary service is passed. However, it does not match voluntarism in practice. Some local governments, due to the budget deficit, do not allocate funds to CSOs, despite the adopted decision on the budget. In

general, there has been a decreasing trend for the funds allocated in the state budget for CSOs in the last three years. For example, in 2010 the amount of state budget funds allocated for NGOs was around 4 million Euro. In 2012 and 2013 this amount was approximately 2 million Euro. This is the only budget item which was cut 50% within one year.

### *Macedonia*

Civil Society Organizations (CSOs) in Macedonia operate in a comparable convenient environment. The legal framework is strong. Article 20 of the Constitution and a series of other laws, mainly the Law on Associations and Foundations (LAF) warrants the freedom of association. This law was adopted in December 2010. Pursuant to this law, basic forms of organizations are associations, foundations, alliances and organizational form of foreign organizations. The law is quite liberal in relation to founders: It includes local and foreign individuals and legal persons, minors with certain approvals and so on.

In Macedonia the cooperation between the government and the CSOs is regulated by several state documents, such as the Cooperation Strategy between the Government and Civil Society and the Action Plan 2012-2017.

The Law on Associations and Foundations is a good basis for a progressive legal frame regarding the freedom of association. However, it is not fully functional, mainly because sublegal acts are not adopted yet (public financing) and tax laws are not changed (harmonized). CSOs do not receive tax benefits; they are equal with profitable entities, since pursuant to tax laws and tax exemptions, especially for individual cases, they are almost non-functional. The basis for providing social services exists, but there is a need to develop other sectors.

### *Serbia*

Civil Society and its development in Serbia are regulated by two laws: the Law on Associations and Charity Law Issues. In principle, laws are considered to be modern laws that provide a framework for non-profit organizations. The registration process is voluntary, simple and decentralized. The procedures for registration take only a day and CSOs can do that online,

while the ATM services are free. The law on volunteerism is still at the stage of codification. The new law on accounting, adopted in July 2013, envisages simplified and suitable procedures for CSOs. The distribution of government funds is regulated by the Law on Associations and the Law on Foundations as well as charity issues. The Law on Foundations and Charity Issues is adopted to ensure public transparency on the distribution of finances at all levels. However, public expenditures still lack transparency and there is an extra burden through the amended Law of Budget.

Different from the majority of European countries, tax legislation in Serbia does not foresee any exclusion from taxes on property, movable property for associations, foundations and other CSOs that provide activities for public interest.

There is no body/institution mandated for the distribution of public funds for neither CSOs nor clear procedures for participation of CSOs in all stages of public financing. State funds are distributed in different ways so it is not clear and transparent how much money is aimed to be allocated for CSOs. The Serbian Government Office on Cooperation with the Civil Society is a key institutional mechanism to support the development of a dialogue between the Serbian Government and CSOs. The Office is support for government institutions to understand and recognize the role of CSOs in decision-making processes. However, there is a tendency that the office is used as the only channel of communication between the two sectors. Interactions between government and CSOs have improved in recent years; however, these relationships are not structured as forms of cooperation between the two sectors.

The majority of CSOs have consultations in the final stage of a project or policy when any change or interference in it is almost impossible. Furthermore, even in cases when Civil Society and the state cooperated during drafting of law/policies/strategies and projects that are delivered to the Parliament, they are changed very often without taking into consideration the comments of CSO.

Although freedom of gathering and expression is guaranteed for all, it is not always implemented by public authorities. CSOs are not involved in setting the priorities and programs. Civil education is not subject and still is

not mandatory for school pupils in primary and secondary education. There is no strategic approach to push further the development of cooperation between the state and Civil Society. State support is not sufficient and transparent. The provision of services from CSOs is not stimulated by the state though they are allowed for CSOs. The public benefit status is not properly defined and clear. The tax system does not favour CSOs, tax administrations do not implement laws and regulations consistently.

### *Turkey*

The Civil Society in Turkey is growing in number and becoming an important actor for the political, social and economic change, especially after over the past years; CSOs have been identified as a necessary part of the process of democratization of public institutions and other stakeholders. However, definitions of Civil Society and Civil Society Organizations (CSOs) do not appear in legislation and policy documents. In February 2014 the number of active associations in Turkey was 99,418. Although CSOs are active in all provinces of Turkey, the available data describe geographic distribution inequality. In terms of quantity, CSOs in Turkey are concentrated in urban areas. The largest number of associations exists in Istanbul (19,771), followed by Ankara (9,475) and Izmir (5,521). CSOs in Turkey mostly focus on areas such as religious services, sports and social solidarity.

The degree of civil engagement in Turkey has improved over the years; however, the Civil Society movement in Turkey remains detached from a large part of the public. The data collected in 2011 show that only 12% of the general population had membership in associations. Restrictions on the legal and fiscal environment, along with a lack of access to financial and human resources are among the most important challenges that CSOs have been facing in Turkey.

The Law on Associations, the Law on Foundations, and the Law on Collecting Assistance, and their respective regulations and articles in the constitution and the penal code are the legal basis that directly regulate the freedom of associating in Turkey. There have been improvements in regard to the legal framework within the context of the process of accession in the EU, in 2004 and 2008. However, the problems and issues that still exist in

the legal framework, are related to the implementation and restrictions of existing laws.

The department of associations and the general directorate of foundations are the highest public authorities responsible for associations and foundations in Turkey. These public bodies are also authorized and responsible to audit CSOs. Discrepancies are identified in the frequency, duration and scope of audits.

### **Relations and Cooperation with Governing Structures**

The development of Civil Society in the countries of the Western Balkans and Turkey is determined by historical, political as well as economic and cultural developments in the region. Many of the Western Balkan countries have been under the socialist leadership and these countries are still in a transition to become full democratic systems. The evolution of Civil Society started in the 1990's and until now they have made significant steps forward in the development of the legal environment for the functioning of Civil Society.

Some problems are highlighted in the registration process and through the CSO operational restrictions which are not in accordance with international standards. Other similar freedoms are guaranteed by law but not always provided with the application in practise. States are not very encouraging through tax stimulation and grants. Financial sustainability has been identified as one of the greatest challenges for CSOs in the region. Due to the lack of diversification of funding, CSOs are struggling to maintain their funding sustainability. Public financing is an important source of financing of income in some countries, but the mechanisms of distributing and as result, the monitoring and evaluation of funds is a lack. There is a lack of rules for transparency and accountability resulting in public funds that are not an option for funding for a significant number of NGOs. There are no additional requirements by NGOs imposed as employers. Volunteerism is on the rise and five countries of the region have adopted laws which are aimed at supporting the volunteer commitments. Strategic mechanisms for cooperation between the governments and Civil Society Organizations as well as for mechanisms for inclusion of CSOs in politics, decision-making processes and their proper implementation are lacking. This is usually due

to the lack of trained human resources and above all the lack of funds. Problems with the publication of laws and policies as well as invitations to public discussion which are not provided in a timely manner or not all published is not a common practice. CSOs are not actively engaged in the provision of services. This is usually due to the unequal treatment of CSOs in the selection process and the lack of specific mechanisms for contracting providers of social services.

*Assessing their role in the processes of democratization and integration into the EU and NATO*

The economic and Social Committee of the EU, in its resolution 2006/99, has asked the Member States to strengthen citizen trust in government by fostering public citizen participation in key processes of public policy development, public service provision and public accountability. It is therefore clear from the debates and international resolutions adopted in the last twenty years that there is a need to promote and strengthen citizen participation in decision-making processes. The need is recognized by most stakeholders in the Western Balkan countries and Turkey.

### **The Benefits, Disadvantages and Proposals for Change**

Disadvantages that should be highlighted are:

- Lack of standard approach by different government units

Late consultation of the Civil Society remains a common practice. Mostly, in all countries, Civil Society is informed and invited to provide comments only after completion of the first draft of a document, when space for substantive changes is very small. Moreover, there is no system which will inform the Civil Society on the establishment of a working group.

*Limited methods of public consultations* – In a situation in which only powerful CSOs have enough capacity to prepare written comments of high quality, the lack of other consultation methods disables a large part of the public and Civil Society to contribute to this process. Using different methods would bring in different perspectives to the process, thus increasing the

quality of the documents produced: discussing the initial idea with those who will be directly affected contributes to an appropriate orientation towards the process at an early stage; extensive consultations with the public and CSOs through public hearings and written consultations can provide valuable contributions from many groups and individuals who have an interest in a particular issue, but are not part of ‘normal consultation procedures.

*Limited scope of documents that go through public consultations* – Involvement of Civil Society in the drafting of specific documents is very important. However, setting the agenda and determining which problems will be addressed, very often is crucial for successful governance.

*Lack of feedback on the results of the public consultation* – Despite the legal requirement to report on the results of the public consultation in the meeting of the government or ministerial committee, such a reporting is very rare.

*Lack of mechanisms for selecting representatives of CSOs* – In this regard, it is clear that the Civil Society sector is very diverse and that there is no mechanism which will present a unified position of the entire sector. However, there are different models of selection that could ensure an appropriate representation of Civil Society, based on defined criteria and transparent selection process.

- Provision of state funding for NGOs;
- Provision of financial and institutional independence for Cooperation Offices and the Council for Cooperation between the Government and CSOs;
- Involvement of Civil Society in providing services.

## **Regional Cooperation of CSOs and Common Goals of Policy**

A conference on ‘Improving the legal and institutional framework for public funding of Civil Society Organizations was organized by TACSO and held from 17 to 19 June in Prishtina - all the Western Balkan countries and Turkey participated. The purpose of this conference was to contribute to improving the mechanisms, legal terms and procedures of public funding

in order to support Civil Society Organizations in the Western Balkans and Turkey (EBT). Minister Beqaj, a representative from the Government of the Republic of Kosovo, said that in Kosovo Civil Society Organizations are considered as a serious partner; therefore capacity building and profiling of CSOs will directly affect meaningful participation in the development and implementation of government policies and priorities. The Office on Good Governance and other institutions which were involved in this process of during this two-day conference dedicated to improving the legal and institutional framework for public funding of Civil Society organizations (CSOs), had the opportunity to exchange experiences between countries in the region.

The Office on Good Governance and the Office of the Prime Minister have been part of the regional conference, which was organized in Croatia by the Governance Office for Cooperation with NGOs and the Ministry of Foreign Affairs and European Issues of Croatia.

This has been a very valuable exchange of experiences for all, for the Republic of Kosovo as a participant in terms of our collaboration as government institutions with the Civil Society. The purpose of this seminar was to establish cooperation between Institutions of Eastern European countries in the pursuit of progress in establishing an effective economic environment for the development of Civil Society. Further participants of this seminar were international experts and representatives of the European Commission. It has been concretely as a precondition for sustainable reform that we need to take as the Republic of Kosovo and the region as a whole on the road to European Union. What we, as government, appreciate is that cooperation with the governments of other countries in the region is in line with Government objectives to stimulate public awareness, respect for laws and legislation, strengthening of democratic values and culture as well as the pursuit of integration into the European Union.

*Reflecting the regional Conference 'Promoting guidelines of CSF - the current situation and the road ahead in regarding of monitoring, programming and progress of reporting for the period 2014 -2019'* OPM/OGG has been participant in the Regional Conference 'Promoting CSF guidelines'

The purpose of this conference was to promote the CSF guidelines as an EU project in the region to provide information on EU guidelines derived

from reports of CSF from all countries in the region to support Civil Society organizations but also parallel institutions working in this process. The conference was attended by representatives of relevant key public institutions and NGOs from the Western Balkan countries and Turkey as well as representatives of EU institutions. Comments and contributions of representatives of all working groups from the Western Balkans and Turkey were included, but also from the Group for Kosovo were included regarding the EU guidelines on support to Civil Society institutions and further development. Participation in this conference has helped the OPM to extend regional cooperation with other regional institutions and Civil Society Organizations in the process of cooperation and exchange of experiences with countries that have been through these processes.

*Participation in the regional conference on ‘The Road to membership in the Partnership for Open Governance’ – The PQH - FOL Movement, with the support of the British Embassy in Kosovo organized a regional conference on ‘The road to membership in the Partnership for Open Governance – PQH’ where OPM/ OGG have been part of it. The purpose of this conference was to provide discussions on Kosovo’s path to membership in the partnership for open governance.*

## Conclusions

Key points of findings in the region may be summarised:

- Standards for the establishment of NGOs in the region have already been accommodated by legislation, but need to ensure their proper implementation and harmonization in practice.
- There is a need to ensure a new system in place to collect data about the size and sector qualification which will support policy development.
- Legislation should provide tax benefits for the CSOs.
- Public funding should be available to all CSOs and distributed in a transparent manner.
- There should be transparency regarding the increase of distribution of non-financial support which is very important for small organizations.
- Strategies for government cooperation with NGOs are strong documents but states have to be engaged in their implementation.
- There is a need for increased involvement of NGOs in decision making and investment in the building of capacities and mechanisms to ensure better quality of the processes.
- A good opportunity for improving successful cooperation is to create mechanisms that would help NGOs to be engaged in providing services.

## **PART III:**

# **INTERNATIONAL STAKEHOLDERS AND REGIONAL CIVIL SOCIETY ORGANIZA- TIONS**



## The United States and Civil Society in South East Europe

*Matthew Rhodes*<sup>1</sup>

Support for Civil Society has played a prominent part in American foreign policy, especially toward post-communist Europe. The \$2.7 billion of worldwide American outlays in this area since 2010 is a small portion of overall U.S. spending, but it remains the largest external source of Civil Society funding.<sup>2</sup> Moreover, high-profile diplomatic backing has reinforced the financial investment. Notions such as ‘transformational diplomacy’ and ‘engaging beyond the state’ have reflected the conviction across administrations of both major parties of Civil Society’s key role in good governance and public engagement.<sup>3</sup>

President Obama reaffirmed Civil Society as a ‘matter of national security’ in a speech at the offices of the Clinton Global Initiative in September 2014. On that occasion Obama also announced new measures including a Presidential memorandum for all U.S. agencies operating abroad to prioritize Civil Society engagement, the establishment of six Regional Civil Society Innovation Centres over the next two years, and added funding for initiatives such as the Community of Democracies, the Open Government Partnership, and the Lifeline for Embattled Civil Society Organizations Assistance Fund.<sup>4</sup>

Despite these fresh commitments, U.S. Civil Society backing faces three significant challenges. Taken together, these threaten an important pillar of democratic development, including in South East Europe. American officials and their partners must come to terms with these problems in order to formulate an effective response.

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<sup>1</sup> The views expressed here are solely those of the author.

<sup>2</sup> White House, ‘FACT SHEET: U.S. Support for Civil Society,’ 23 Sept. 2014.

<sup>3</sup> Republican Secretary of State Condoleezza Rice introduced ‘transformational diplomacy’ in a speech in 2006. Democratic Secretary of State Hillary Clinton included ‘engaging beyond the state’ in the 2010 Quadrennial Diplomacy and Development Review.

<sup>4</sup> White House, ‘Remarks by the President at the Clinton Global Initiative,’ 23 Sept. 2014.

State pressure on NGOs presents the most direct threat. Driven in part by fear of ‘colour revolutions,’ authoritarian and illiberal democratic governments have come to view independent social organizations, especially recipients of outside aid, as political opponents if not ‘fifth columns.’ Burdensome reporting requirements, selective tax investigations, slander in pro-government media, and even physical attacks have accordingly spread as tools against critical activists. President Obama noted Russia, Egypt, and Hungary as examples in his September speech. State Department Human Rights Reports have cited harassment of journalists, gay and lesbian groups, and ethnic or religious minority representatives as concerns within Southeast Europe.

The tendency toward retrenchment in U.S. foreign policy adds another factor. To be sure, even during the Cold War U.S. global engagement swung between periods of greater and lesser activism.<sup>5</sup> Moreover, recent responses to the terrorist Islamic State in Iraq and Syria and the Ebola epidemic in Africa show that, pace Robert Kagan, the American superpower has not yet ‘retired.’<sup>6</sup> Nonetheless, the combined effects of the decade-long wars in Iraq and Afghanistan, the financial crisis, and political battles in Washington have made decisions on foreign commitments more deliberate, selective, and conditioned on meaningful burden-sharing.

As in other areas, some recalibration on Civil Society reflects less deliberate choices than diminished resources. The 2011 Budget Control Act reduced spending on diplomacy and development by roughly ten percent, reversing administration plans for steady increases. The imposition of budget sequestration in 2013 brought further cuts. The initiatives unveiled by Obama in September 2014 carried symbolic significance but involved only a few million dollars of additional funds. Meanwhile, general political gridlock has frozen Senate confirmation of dozens of ambassadorial nominations (including those to Albania and Bosnia-Herzegovina), creating prolonged uncertainty or gaps in presence of a top-level Civil Society advocate in the affected countries.

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<sup>5</sup> Stephen Sestanovich, *Maximalist: America in the World from Truman to Obama* (Knopf, 2014).

<sup>6</sup> Robert Kagan, ‘Superpowers Don’t Get to Retire: What Our Tired Country Still Owes the World,’ *The New Republic*, 26 May 2014.

In other respects, actual or potential diminishment of assistance may reflect altered policy judgments. On the one hand, administration critiques of ‘democratic backsliding and corruption’ in Central and Eastern Europe can be taken as cause for redoubling commitment to Civil Society as a counterforce.<sup>7</sup> On the other hand, the persistence or worsening of governance problems calls into question the effectiveness of past support programs as well as the domestic standing, internal management, and capacities of regional NGOs.

More broadly, many of today’s most acute global crises such as turmoil across the Middle East reflect less a shortage of Civil Society than of basic state order. This tends to push policy away from the liberal conception of building stability *through* democracy toward the more conservative approach of seeking stability *before* democracy.

Concern over foreign funding for American NGOs is a final, new development. A front-page report by the *New York Times* in early September 2014 detailed how 28 leading U.S. think tanks received at least \$92 million from foreign governments over the past four years. One beneficiary was the U.S. Atlantic Council, recently headed by Secretary of Defense Chuck Hagel, whose overseas donors included the governments of Macedonia and Montenegro. Larger contributors such as Norway and Qatar appeared to shape recipients’ work in ways that served their energy and other interests.<sup>8</sup> Ten days after the article appeared, the U.S. House of Representatives’ Rules Sub-Committee held a hearing at which members of both parties voiced concerns about the practice and called for additional disclosure requirements.<sup>9</sup>

This debate may not immediately lead to new legislation, but it could exacerbate the two other preceding challenges. Regimes with deeper restrictions on their own civil societies could claim simply to share American concerns.

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<sup>7</sup> Victoria Nuland (Assistant Secretary of State for Europe and Eurasia), ‘Keynote at the 2014 U.S.-Central Europe Strategy Forum,’ 2 October 2014.

<sup>8</sup> Eric Lipton, Brooke Williams, and Nicholas Confessore, ‘Foreign Powers Buy Influence at Think Tanks,’ *New York Times*, Sept. 7, 2014.

<sup>9</sup> Eric Lipton, ‘Proposal Would Require Think Tanks to Disclose Funding by Foreign Governments,’ *New York Times*, Sept. 18, 2014.

Already uncertain U.S. officials could further lose interest in overseas NGO support.

There are no easy solutions for the issues outlined above, but a few basic suggestions can be offered. First, U.S. policymakers should be realistic in their near-term expectations and priorities without losing sight of Civil Society's longer-term significance. Second, the issue of foreign funding for American NGOs should be taken as cause for reflection but not overreaction. Standards of transparency should be applied consistently to cases within the United States and in disbursement of grants overseas so as to maximize effectiveness and minimize grounds for charges of hypocrisy. Third, U.S. officials should intensify coordination on Civil Society with European allies and partners regarding program procedures, funding, and place within Euroatlantic integration processes. Within South East Europe in particular, the interests and leverage of the European Union (and leading EU members such as Germany) will often be greater than those of the United States. Finally, the White House and Senate should take expeditious measures to clear the back-log of ambassadorial nominations. This would assure fully accredited representatives can address needed country-specific issues and remove a detraction from American democracy's appeal.

## International Aid and SSR Interventions: Some Good and Bad Practices

*Dennis Blease*<sup>10</sup>

Most international assistance interventions, be they in respect of aid to Civil Society organisations (CSO) or in assistance with security sector reform (SSR) programmes, follow a relatively standard format comprising: assessment, programme design, implementation, and finally monitoring and evaluation.<sup>11</sup> Guidance on how to conduct these various elements, as well as helpful suggestions on the advisory role, can be found in a number of places including in the ISSAT operational guidance notes.<sup>12</sup>

Underpinning these helpful documents, however, are a set of principles for effective aid delivery contained in the Paris Declaration,<sup>13</sup> the Accra Agen-

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<sup>10</sup> Dennis Blease is a retired British Army flag officer, who is a part-time doctoral candidate with Cranfield University undertaking research into Security Sector Reform (SSR).

<sup>11</sup> For example, see the ISSAT SSR Methodology available at: <http://issat.dcaf.ch/Home/Community-of-Practice/SSR-Methodology>. [Last accessed 23 October 2014.]; and Corlazzoli, V., & White, J. (2013). *Back to Basics: A Compilation of Best Practices in Design, Monitoring & Evaluation in Fragile and Conflict - Affected Environments*. London: DFID. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/304632/Back-to-Basics.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304632/Back-to-Basics.pdf). [Last accessed 23 October 2014.]

<sup>12</sup> For example: ISSAT (2010a). *ISSAT Assessment OGN: Overview for Security and Justice Assessments*. DCAF: Geneva. Available at: <http://issat.dcaf.ch/Home/Community-of-Practice/Resource-Library/Operational-Guidance-Notes/Assessment/ISSAT-Assessment-OGN-Overview-for-Security-and-Justice-Assessments> [Last accessed 3 September 2011]; and: ISSAT, (2010b). *ISSAT Programme Implementation OGN: The Security and Justice Sector Reform Advisor*. DCAF: Geneva. Available at: <http://issat.dcaf.ch/Home/Community-of-Practice/Resource-Library/Operational-Guidance-Notes/Implementation/ISSAT-Programme-Implementation-OGN-The-Security-and-Justice-Sector-Reform-Advisor> [Last accessed 3 September 2011]

<sup>13</sup> OECD (2005). *Paris Declaration on Aid Effectiveness*. Paris: OECD Publishing. Available at: <http://www.oecd.org/dac/effectiveness/35036791.pdf>. [Last accessed 12 January 2014.]

da for Action<sup>14</sup> and the 3C commitments.<sup>15</sup> At the heart of these declarations is that the host country must own the intervention process. Given that most major donor countries and most donor organisations subscribe to the principles, it is perhaps surprising how often international interventions either fail or deliver in a sub-optimal manner.<sup>16</sup>

The purpose of this short paper is to highlight some good and bad practices in such interventions and thus create better awareness on the part of both those who provide the aid and assistance and those who receive it.

In line with current good practice for aid and assistance interventions, there is normally a close, early dialogue between the donor and recipient. This will attempt to identify a common baseline and understanding of the current situation. As a result of a thorough ‘needs assessment’ and consultation process, there should be a clearly identified and shared understanding of what the assistance or aid will be designed to achieve.<sup>17</sup> As Paris and Sisk point out:

‘One benefit of conducting such analysis is that it requires a deep local knowledge and can therefore expose knowledge gaps that might otherwise go unnoticed in a conventional planning process. It also focuses attention on the deeply engrained

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<sup>14</sup> OECD. (2008). *The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action*. Paris: OECD Publishing. Available at: <http://www.oecd.org/dac/effectiveness/34428351.pdf>. [Last accessed 12 January 2014.]

<sup>15</sup> Anten, L., van Beijnum, M., & Specker, L. (2009). *3C Approaches to Fragile and Conflict Situations: Taking Stock of Commitments and Challenges*. The Hague: CRU Clingendael. Available at: <http://www.gsdcrc.org/go/display&type=Document&id=3315>. [Last accessed 12 January 2014.]

<sup>16</sup> Blease, D., & Qehaja, F. (2013). ‘The Conundrum of Local Ownership in Developing a Security Sector: The Case of Kosovo.’ *New Balkan Politics*, 14, pp3-6. Available at: <http://www.newbalkanpolitics.org.mk/cat/issue-14/136> [Last accessed 24 September 2014.]

<sup>17</sup> Fundamental to this approach is a clear understanding of the local context. For example, see: Taylor, J. E. (2011). ‘Establishing Favorable Political Conditions?’. In: Davis, P. K. (Ed.). (2011). *Dilemmas of Intervention: Social Science for Stabilization and Reconstruction*. Santa Monica: Rand, p107-8. Also a practitioner’s view: Caron, M. (2013) Marc Caron on Context [Video Podcast]. Available at: <http://issat.dcaf.ch/Home/Training-and-Capacity-Building/E-Learning/Introduction-to-Security-Sector-Reform/Lesson-2-Understanding-the-SSR-Context/Context-Specific-Approach/Marc-Caron-on-Context>. [Last accessed 24 October 2014.]

continuities in the political, social, and economic life of a society [...particularly those...] emerging from war, which have tended to be under-appreciated.<sup>18</sup>

There will then be a process of negotiation that will evolve into a joint plan with clearly identified areas of risk, joint measures of effectiveness and benchmarks, as well as a clear agreement on who is responsible for what. The bottom line is that the recipient (the local Civil Society Organisation, institution or host nation) should take the lead for implementation. The pace and sequence of implementation will normally have been agreed with benchmarks for joint evaluation and decisions. See Figure 1 for a simple graphical representation of the process, which will then be added to as the paper develops.

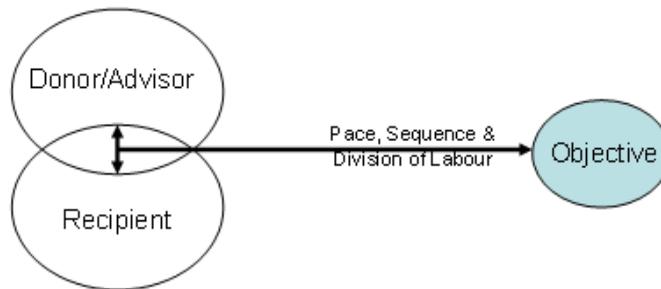


Figure 1: The donor & recipient community at the beginning

There is a general acceptance that from this rather idealised sequence, there will always be country and programmatic variations due to differing contexts. Nonetheless, signs of dissonance between the ideal model and reality on the ground are often discerned quite early. Wulf<sup>19</sup> posits that incoherence can begin within donor capitals, where different agendas are pursued by trade and economic ministries in order (for example) to sell arms, whilst foreign and development ministries are (often) pursuing a capacity building agenda with the resultant policy incoherence evident on the ground. Much previous research highlights the need to harmonise ‘capital’ and ‘in the

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<sup>18</sup> Paris, R., & Sisk, T.D. (2008). *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*. Abingdon: Routledge, p311.

<sup>19</sup> Wulf, H. (2011). Privatization of violence: A Challenge To State-Building And The Monopoly On Force. *Brown J.World Aff.*, 18, p137.

field’ approaches, but both Blease<sup>20</sup> and Yodsampa<sup>21</sup> also stress the importance of coordination in the field. This includes both coordination within organisations at different operational levels (eg between NATO operational HQs and NATO advisory missions) as well as amongst multinational-bilateral organisations in-country (eg the international ‘security principals’ in Sarajevo or the ‘principals’ in Skopje). Unfortunately, experience shows that an objective agreed in the field is often modified by donor staff in capitals, over-ruling in-country staff, and often without reference to the recipient community.<sup>22</sup> See Figure 2 below. In an excellent Washington Post blog, Autesserre also argues that if an intervention is to be successful there needs to be a closer alignment between the local donor and local recipient than between the two levels of donor.<sup>23</sup>

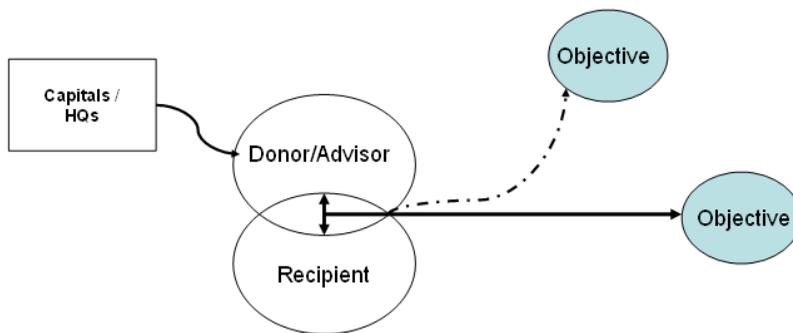


Figure 2: Influence from Capitals and HQs on donor community changing the objective but without reference to the recipient community

In a similar vein the recipient community will inevitably be influenced and come under pressure from electorates and other stakeholders. All interna-

<sup>20</sup> Blease, D. (2010). ‘Lessons From NATO’s Military Missions in the Western Balkans’. In: *Connections - The Quarterly Journal*, Summer 2010, pp15-17.

<sup>21</sup> Yodsampa, A.S. (2011). *No One in Charge: A New Theory of Coordination*. PhD Thesis - The Fletcher School of Law and Diplomacy. Available at: <http://gradworks.umi.com/3465447.pdf> [Last accessed 1 September 2011]

<sup>22</sup> This precise point was raised at the UK SU Security and Justice Advisors’ Forum on 22 October 2014.

<sup>23</sup> Autesserre, S. (2014). *The Everyday Politics of International Intervention*. Available at: <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/06/27/the-everyday-politics-of-international-intervention/>. [Last accessed 29 June 2014.]

tional interventions have a political dimension. SSR interventions are highly political and are often at the core of power redistribution within an institution or country, so it is inevitable that there will be losers as well as winners in any reform process.<sup>24</sup> Taking account of the losers (and potential ‘spoilers’) is a key consideration for any intervention.<sup>25</sup> It is perhaps inevitable, therefore, that there will always be a tendency for some ‘backsliding’ by the recipient and the tabling of some changes to the originally agreed objective. See Figure 3 below.

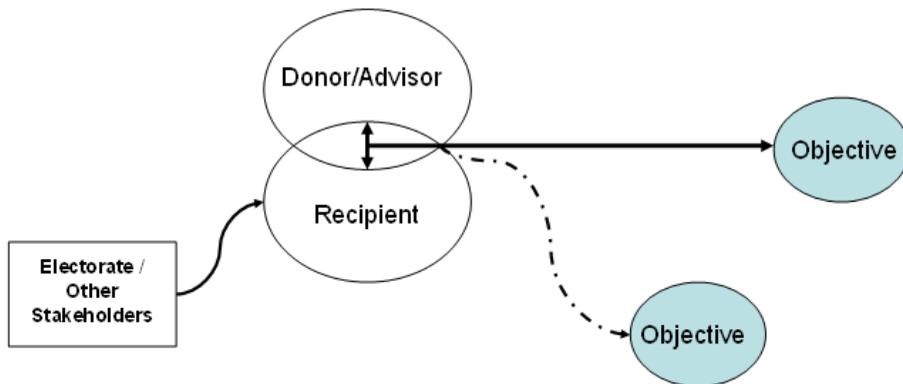


Figure 3: Influence from electorate and other stakeholders on recipient community changing the objective but without reference to the donor community

Most donors recognise this difficulty and will go out of their way both to stiffen the ‘political will’ of the recipient, and, where possible, perhaps modify the overall objective. Whilst the latter may not be ideal, as long as the recipient still has ownership and the shared object is still ‘good enough’, then there remains scope for compromise. One could also argue that modifying an objective at the behest of the recipient of the assistance, perhaps in

<sup>24</sup> For example, see: Donais, T. (2008). ‘Understanding Local Ownership in Security Sector Reform.’ In: Donais, T. (Ed.), *Local Ownership and Security Sector Reform*, p5. Zürich: Lit Verlag. Martin, A. and Wilson, P. (2008). ‘Security Sector Evolution: Which Locals? Ownership of What?’ In: Donais T (Ed.) *Local Ownership and Security Sector Reform*. Zürich: Lit Verlag, p85. And, Chuter, D. (2011). *Governing & Managing the Defence Sector*. Pretoria: Institute for Security Studies, p75-6.

<sup>25</sup> For example, see: Taylor, J. E. (2011). *Op Cit*, p82.

order to reflect better changing circumstances, is merely a demonstration of local ownership. It is an issue that the Dutch government has sought to address in its multi-year security sector development programme in Burundi, where it has tried to match the timeframe for reform with both respective ambition and the environment.<sup>26</sup> Given that the finance for assistance to in-country CSOs or host nation governments still has to be justified to donor parliaments, there is a real need for a continuing dialogue. The difficulties, however, centre around three areas: first, how does one define ‘good enough’; second, will a nation’s capital or aid organisation’s HQ agree with the pragmatic stance taken by the donor staff in-country; and, finally, what if the recipient decides not to inform the donor that it is modifying its position and thus its objective? For sound, domestic reasons a CSO or host nation might perceive that they are putting at risk both current aid and assistance, as well as that in the future, if they publicly announced their decision to change. Thus a recipient might, on occasions, maintain a fiction for short-term gain, whilst probably putting at risk the reform process over the longer-term. Individual contexts can vary so much, it is not intended to provide answers to these difficulties but merely awareness and points to ponder in the future. See Figure 4 below.

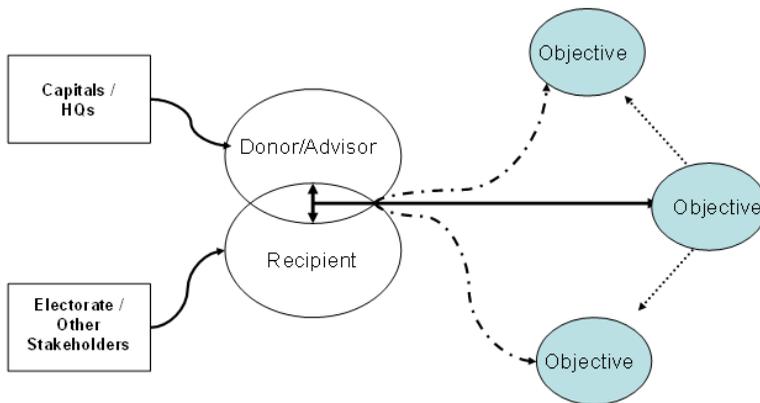


Figure 4: The result is two divergent and different objectives for the SSR intervention

<sup>26</sup> Ball, N. (2014). *Putting Governance at the Heart of Security Sector Reform: Lessons From the Burundi-Netherlands Security Sector Development Programme*. The Hague: Clingendael.

This figure illustrates the worst-case scenario, where the intervention results in two divergent and different objectives for the donor and the recipient. This situation is a source of particular frustration, as it heralds the beginning of a breakdown in cohesion and, potentially, trust between the two parties.<sup>27</sup> There are three additional issues that serve to compound the problem. First, national and international donors are often bound by the annularity of their financial arrangements, so multi-year arrangements tend to be relatively unusual. Thus there tends to be a demand from capitals and HQs for early in-year results for the aid or SSR intervention in order to justify continuing financial and programmatic support in the following year. Second, these foreshortened timelines often pull the donor objective from the long-term to the medium- or short-term, thus putting considerable (if not intolerable) pressure on both the in-country donor and the recipient. In so doing donor capitals and HQs ignore the length of time it takes to embed change and make it sustainable.<sup>28</sup> Finally, this internal pressure can lead to in-country donors beginning to conduct the reform processes themselves, rather than guiding or advising the recipient.<sup>29</sup> Nathan suggests that bowing to such supply-side pressures ‘...reflect a mixture of arrogance and naivety.’<sup>30</sup> Blease and Qehaja highlight precisely this issue of removing local ownership in the development of the Kosovo security sector.<sup>31</sup> The mandate of the International Civilian Office (ICO) in Prishtina was to ‘support Kosovo’s European integration’ and to do this ‘by advising Kosovo’s government and community leaders’.<sup>32</sup> Their paper suggests, however, that during the development of the 2009-2010 Kosovo National Security Strat-

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<sup>27</sup> Trust is a critical element of a functioning and productive relationship between a donor/advisor and a recipient. For a more detailed treatment of trust see Covey, S. M. R. (2006). *The Speed of Trust: The One Thing That Changes Everything*. Chatham: Simon and Schuster.

<sup>28</sup> For an analysis of this tension between short and long-term objectives, see: Berrebi, C., & Thelen, V. (2011). ‘Dilemmas of Foreign Aid in Post-Conflict Areas’. In P. K. Davis (Ed.), *Dilemmas of Intervention: Social Science for Stabilization and Reconstruction*. Santa Monica: Rand, pp300-304. It should be noted, however, that the focus of this work was primarily on post-conflict and failing states.

<sup>29</sup> Hence ignoring the principle of local ownership.

<sup>30</sup> Nathan, L. (2007). *No ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*. Birmingham: University of Birmingham, p2.

<sup>31</sup> Blease, D., & Qehaja, F. (2013). *Op cit*.

<sup>32</sup> Extracts from the ICO mandate. See: [www.ico-kos.org](http://www.ico-kos.org) (‘About Us’ tab) [Last accessed 29 September 2013.]

egy, some members of the ICO staff crossed the line and rather than advising, they proceeded to draft it. In so doing the international community removed ownership from the Kosovo authorities. As a result the document that was eventually produced was quietly dropped from view by the Kosovo authorities and never implemented. As Ghani and Lockhart point out:

‘...a state based on the consent of the citizens and legitimacy of rules is likely to be more enduring than one imposed by force or whose civil structures are simply bypassed...’<sup>33</sup>

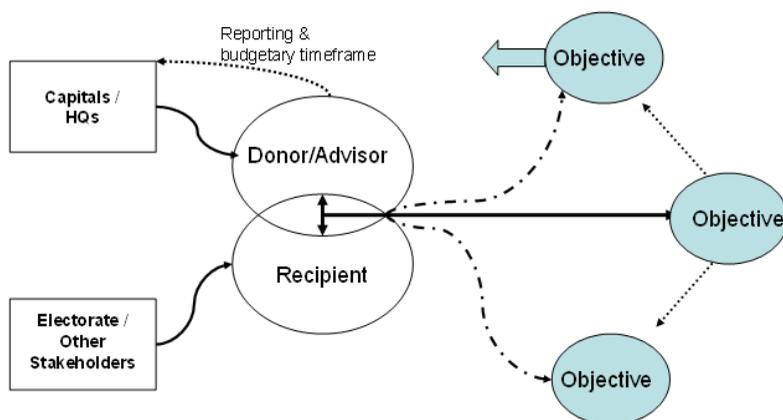


Figure 5: The compressed reporting and budgetary timelines of capitals and HQs exacerbate the situation by demanding earlier results in order to continue financial and programmatic support to the SSR intervention

Figure 5 provides an illustration of some of these tensions. The recipient might also be hindered by two other issues represented in Figure 6 below. First, success in achieving the objective of the intervention (the agreed one or the recipient's one) will almost always be constrained by a lack of inherent capacity within the recipient institution or state. Indeed, much of the early donor assistance is likely to be in the form of capacity building, which, as Hänggi remarks laconically, ‘...may take a very long time’.<sup>34</sup> Furthermore,

<sup>33</sup> Ghani, A., & Lockhart, C. (2009). *Fixing Failed States: A Framework for Rebuilding a Fractured World*. New York: Oxford University Press, p30.

<sup>34</sup> Hänggi, H. (2004). ‘Conceptualising Security Sector Reform and Reconstruction.’ In: A. Bryden, & H. Hänggi (Eds.), *Reform and Reconstruction of the Security Sector* (pp. 3-18). Munster: Lit Verlag, p14.

as Paul Collier points out in his book, *The Bottom Billion*, in the case of post-conflict situations there tends to be little left in the way of residual capacity and thus there may well be a requirement for the donor to conduct some of the assessment and environmental analysis on behalf of the recipient in order to demonstrate what is required. He does counsel caution, however, that the lead must quickly return to the recipient as soon as humanly possible.<sup>35</sup>

A second, and more insidious, problem is where capacity is 'lost'. This is particularly prevalent in violent post-conflict environments, where much time, energy and effort might have been expended on building the capacity of certain individuals with considerable potential, only for them to be targeted and then killed or intimidated by 'spoilers', whose aim is to disrupt the reform process. It is perhaps apposite at this stage to mention another situation where capacity can be lost through an accident or enemy action. On 2 June 1994 an RAF Chinook helicopter travelling from Northern Ireland to Scotland crashed in bad weather on the Mull of Kintyre, killing everybody on board. The passengers comprised a large proportion of the UK's senior intelligence experts based in Northern Ireland, civilian as well as military, and left a serious lacuna in the UK's government's operational capacity in the Province.<sup>36</sup> Whilst this incident is not directly connected to an international intervention, it does highlight the sort of loss of capacity, which could occur in places like Afghanistan, where Afghan and NATO forces rely heavily upon helicopters for routine movement of personnel.<sup>37</sup> Even in less violent environments host nation governments and institutions can lose well-educated and well-qualified individuals to highly-paid, but low-value employment with the international community.<sup>38</sup> Michael

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<sup>35</sup> Collier, P. (2008). *The Bottom Billion: Why The Poorest Countries Are Failing And What Can Be Done About It*. New York: Oxford University Press.

<sup>36</sup> For details see: <http://www.mullofkintyrereview.org.uk/sites/default/files/Mull%20of%20Kintyre%20Review%20Report.pdf> [Last accessed 6 September 2011]

<sup>37</sup> For example, the shooting down of a US Chinook helicopter in Afghanistan on 6 August 2011 killed 38 Afghan and US personnel, many of whom were special forces. For details see: <http://www.guardian.co.uk/world/2011/aug/06/us-biggest-loss-afghan-war-helicopter-crash-38> [Last accessed 6 September 2011]

<sup>38</sup> Blease, D. (2010). *Op Cit*, p12.

Ignatieff describes this as ‘capacity sucking out’ and it has been a significant concern in many countries undergoing reform and development.<sup>39</sup>

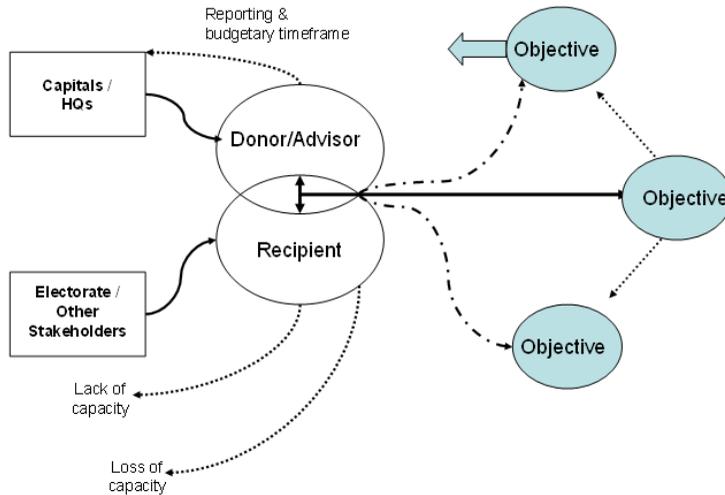


Figure 6: The recipient community often suffers from a lack of capacity, as well as a loss of capacity, which detract from delivery of the objective

This can lead ultimately to the situation in Figure 7 below. Separate donor and recipient objectives are being pursued, nominally as part of a single and agreed intervention. The path to reform then becomes increasingly fragmented and incoherent, with an agreed objective that has lost legitimacy in the eyes of both the donors and the recipients, and which nobody is seeking to achieve. Inevitably this sort of dissonance is likely to lead to a fracture in the relationship between the donor and the recipient communities, and whilst some benefits might be delivered in a sub-optimal manner, often it will cause the entire intervention to fail.

<sup>39</sup> Ignatieff, M. (2003). ‘The Burden’, *New York Times Magazine* (5 January 2003), p162; asquoted in Fukuyama, F. (2004). *State-Building: Governance and World Order in the Twenty-First Century*. Ithaca, NY: Cornell University Press, p139.

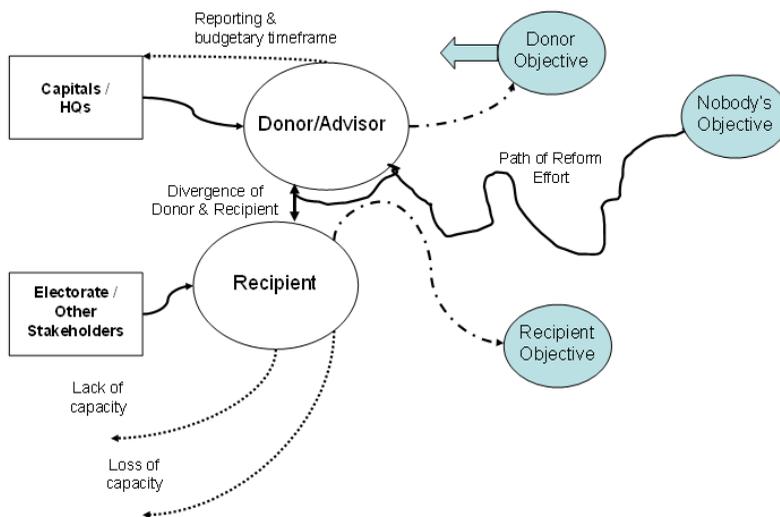


Figure 7: This eventually leads to a situation whereby there are separate donor and recipient objectives with nobody owning the original objective. This completes the divergence between the donor and recipient communities

Not all situations are as dire as that described above, but many scenarios include elements of these disconnects between donors and recipient organisations and states.

In conclusion, it is worth making the point that these fractures and dissonance are by no means inevitable. It does require both parties to be sensitive to the potential pitfalls and to demonstrate real ‘political will’ to build success. There is no template solution to international aid and SSR interventions, as all contexts are invariably different. Nonetheless, it is perhaps worth reiterating some areas of better practice for donors and recipients of that aid or assistance to ponder upon:

- Try to establish a shared and common understanding of the situation on the ground;
- Define a shared and common objective;
- Produce a joint plan with clearly identified areas of risk;

- Agree joint measures of effectiveness and benchmarks;
- Implement with the recipient community firmly in the lead;
- Carefully and jointly monitor the pace and sequence of implementation;
- Jointly evaluate at key decision points;
- ‘Build capacity and capability leading to independence [...] without engendering alienation or dependency’;<sup>40</sup>
- And, finally, throughout the life of the intervention, keep talking to each another.

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<sup>40</sup> Watters, B.S.C. (2011). ‘The Utility Of Social Science And Management Theory On Military operations: Of Portacabins And Polo Fields.’ *Defence Studies*, 11(1), p33.

## **PART IV:**

# **POLICY RECOMMENDATIONS**



## Policy Recommendations

*Predrag Jureković*

### Situation Analysis<sup>1</sup>

South East Europe has a huge variety of Civil Society Organizations (CSO): thousands of associations of citizens exist in the region, the majority without following explicit aims in the field of democratization or human rights. Generally, CSOs which are advocating a more democratic society, respect of human rights and individual freedom are generally more trusted by the citizens than the existing political parties. However, these CSOs are confronted with various barriers: these may be difficulties within their own organization structure, pressure from political authorities in their home countries as well as unfavourable arrangements with the international donors. Interest in cooperating with regional CSOs has decreased with international donors over the past years, which is partly due to a shift of interest to other regions and partly due to their discontent with the outcome of projects.

In Bosnia and Herzegovina (BiH), the social protests that occurred in Spring of 2014 did not lead to the expected political outcome, putting an end to BiH's longstanding political agony. Nor did they result in substantial social and economic reforms for the benefit of all citizens. Despite enthusiastic beginnings, the social protests later resulted in chaotic 'plenums of the citizens' and in some violent attacks against public buildings. One main reason for these negative developments was the lack of leadership and strategic political thinking among the grassroots organizations that initiated the social protests. The majority of the so-called 'Elite CSOs' – less integrated in the local communities than grassroots organizations, but closer connect-

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<sup>1</sup> These policy recommendations reflect the findings of the 29<sup>th</sup> RSSEE workshop on 'Bosnia and Herzegovina and Beyond: The Role of Civil Society in Supporting Democratization and Euro-Atlantic Integration in South East Europe?' convened by the PFP Consortium Study Group 'Regional Stability in South East Europe' from 25-27 September 2014 in Sarajevo/Bosnia and Herzegovina. They were prepared by Predrag Jureković; valuable support came from Ernst M. Felberbauer and Edith Stifter (all Austrian National Defence Academy).

ed with donors and with a better access to media – did not join the social protests, additionally weakening the overall initiative.

The case of Bosnia and Herzegovina illustrates ‘the hen or egg problem’ regarding the establishment of a vital Civil Society sector. CSOs are generally regarded as being important for counterbalancing negative trends in the political field. Without the existence of functional state institutions, it is difficult for a Civil Society sector in general and pro-active CSOs to develop.

International donors occasionally have policy agendas that differ from the interests of ‘project receivers’ in South East European communities. This has led to the perception that donor-funded CSOs primarily work for the interest of foreign countries and organizations and not first and foremost for the benefit of their citizens. This impression has been reinforced through the lack of coordination on strategic priorities amongst international donors when cooperating with CSOs in South East Europe.

The EU membership negotiation processes have clearly helped representatives of CSOs – in particular in Croatia, Montenegro and Serbia – to display themselves as experts on subject matter issues for their countries. This positive side effect of the European integration process could also be achieved in the other Western Balkan countries if membership negotiations with the EU open in the foreseeable future. In principle, NATO integration processes could positively influence the situation of CSOs in South East Europe in the same manner.

However, as demonstrated in the Croat case, mostly NATO-affiliated NGOs were involved in the government’s membership activities. The remaining CSOs, with more critical stances vis-à-vis NATO, felt excluded from this process. This lack of balance and public information about NATO have resulted in a distrustful attitude of parts of the population vis-à-vis the Croat membership in the alliance.

## Summary of Recommendations

### *Regarding the Development in Bosnia and Herzegovina*

- *For the Civil Society Organizations in BiH:*

Enhance your role through improving coordination with other CSOs and stay focussed on vital reform issues for BiH, which are crucial for its citizens.

Grass-root level activists need the support of politically experienced NGO representatives (the so called 'Elite CSOs') in order to spread their messages at its best within the public. Don't totally avoid the contact with high level political actors and try to identify partners among them for substantial reforms.

Through creating a register of CSOs which are operative in BiH, it could become easier for international stakeholders and local political authorities to identify reliable partners.

- *For the Political Authorities in BiH:*

Use the support of the EU for creating and strengthening mechanisms for information exchange and dialogue at the municipal as well as national levels in order to systematically improve the participation of the NGO sector in the construction of political and social processes in BiH. This could ensure that they effectively participate in the formulation, implementation and evaluation of specific policies and programmes at various levels.

Don't discriminate against critical CSOs; provide equal treatment. Improve the legislation and institutional mechanisms in order to enable CSOs to increase their skills through participation in public policy and decision-making processes.

- *For the European Union, the US and other International Donors:*

The donor community should equally foster grass root CSOs and NGOs that are promoting democratic standards. Enable and support the leading figures of Civil Society to transform into a well-organized lobby for democratization and human rights.

Try to achieve a better coordination between yourself, in particular with regard to US- and EU-sponsored projects directed at BiH. International organizations should not be the main applicants for donor support. To ensure local ownership, small and medium CSOs should be taken on board as partners.

#### *Regarding the Overall CSO Development in the Region*

- *For the CSOs:*

Beyond their role as a ‘watchdog’ of the political authorities, CSOs in South East European countries in transition can give valuable input to the national legislation and governmental regulation reform. This requires, however, that CSOs develop a comprehensive expertise and clear political vision, and furthermore need to be willing to participate proactively in political processes.

Grass-root movements should contact already established ‘Elite CSOs’ and aim at cooperating with them when communicating issues to the wider public. In concrete, NGOs located in capitals should engage in forming coalitions and partnerships with grass-root organisations when applying for funds and executing projects. This recommendation is based on the presumption that grass-root organisations are more acquainted with the needs and problems of ordinary citizens on the municipal level while ‘Elite CSOs’ have more experience in communicating broader political messages. In an optimal situation, this would lead to a better inclusion of the local community in activities which are of public interest and would ensure that policies reach individual citizens.

Establish regional networks of CSOs which are working in the same field of expertise (e.g. EU and NATO integration) in order to benefit from the experiences of neighbouring countries.

Regional CSOs should significantly improve their internal governance structures and in particular to enhance transparency and accountability.

Further improve the way you communicate with the public and ordinary citizens, by delivering simple and concrete messages about how your work benefits them and by avoiding the use of ‘project jargon’.

The Civil Society should insist on a transparent and inclusive process that is institutionalized and recognizes the important role of CSOs in preparing positions, monitoring the process and informing the public. Some generally positive examples are the participation of Montenegrin CSOs in negotiation working groups and in the National Convent on EU membership as well as in the EU negotiations platform in Serbia.

- *For the Political Authorities in the Region:*

Despite the critical positions very often expressed by CSOs, recognize their important social engagement and accept them as partners in reforming your countries.

Establish strategic partnerships with CSOs aiming at producing concrete results that may be crucial for the democratic and social consolidation of your country.

Provide equal treatment to CSOs with similar expertise and profile in regard to access to relevant information. Don't create clientelistic relationships by favouring certain CSOs.

Timely engage CSOs in the preparation of EU and NATO accession negotiations. The value of this approach for other Western Balkan countries is proven both from the example of membership negotiation processes of EU countries as well as from the recent example of Croatia, Montenegro and Serbia.

Include CSOs in the processes of planning, monitoring and evaluation of state public policies and programmes. This is very important with regards to EU and NATO integration processes, to which CSOs can contribute significantly through their expertise on the integration topic and their capacity for social mobilization. With this, a higher level of transparency and citizen inclusion in processes of significant social interest should be ensured.

Communicate continuously the meaning of EU and NATO integration to the public and the citizens. The Croatian integration process showed some missed opportunities to intensify the overall social dialogue.

- *For the EU, the US and other Donors:*

Achieving high democratic standards should remain an important principle of the EU's integration agenda in South East Europe and should not be sacrificed for the sake of smooth negotiations with autocratic politicians. The EU should make it clear that an important part of conditionality is fair and impartial treatment of CSOs by respective governments of candidate and potential candidate countries.

Foster the active involvement of CSOs in the dialogue with the public administration by bringing CSOs to the table as equal partners and thus providing legitimacy to their voices.

Encourage programmes that offer exchange of expertise in relevant topic areas, additionally helping to build up capacity of recognized CSOs. Make their active involvement in the EU and NATO accession processes and corresponding reforms more effective.

Closely monitor the work of CSOs, their contributions and statements, and give advice on how to enhance their effectiveness.

While implementing a project in cooperation with a CSO, take into consideration the subsequent requirements: Always try to establish a shared and common understanding of the situation on the ground; define a shared and common objective; produce a joint plan with clearly identified areas of risk;

agree on joint measures of effectiveness and benchmarks; implement with the recipient community firmly in the lead; carefully and jointly monitor the pace and sequence of implementation; and finally, jointly evaluate at key decision points.

Be more self-transparent in the funding process and insist on higher levels of transparency within the CSOs in spending funds, in order to ensure that means donated are properly spent on activities that they were allocated for.

Use public tenders for project funding. This could ensure a transparent and fair allocation of financial resources. Additionally, precise rules on the reporting of funding distribution need to be established to prevent a misuse of donor aid. Providing transparency inside the CSOs should become an important criterion for funding projects.

International donors active in the region should better coordinate their activities on the ground in order to avoid an overlapping of initiatives and ensure the continuity of some essential reform processes.

Projects of CSOs that are based on regional cooperation should be given special support by donors. Avoid projects which follow a short term perspective, because they most probably will not produce substantial results.

A decision of the presidential administration and Senate of the United States is necessary for resolving the backlog in ambassadorial appointments in order to assure the predictable presence of a top-level diplomatic partner for CSOs in countries within the region.

### *Regarding the Media*

International stakeholders should pay more attention to the increasing pressure media face in South East Europe. They should also use their influence on regional political authorities to stop the discrimination and violence against media and journalists.

In particular the OSCE, EU and bilateral donors should re-double their efforts to stimulate and support robust and independent media in the region.

Referring to the crucial role that media can play in processes of democratic transition and institutional advancement, their responsibility for contributing to a mature Civil Society is enormous. Therefore media – amongst other tasks – should report comprehensively about the goals and activities of CSOs.

Furthermore, media (public services but not limited to them), should provide representation of CSOs through inclusion of their representatives in governing or advisory structures such as boards, councils etc. whenever possible. That would enhance the possibility of broadcasting, on a regular basis, topics which are in the public interest.

Political authorities could support these undertakings through including CSOs in the policy process related to media regulation

## List of Authors and Editors

BLEASE Dennis, Cranfield University, Shrivenham

BOBIĆ Maja, European Movement in Serbia, Belgrade

FAGAN Adam, Queen Mary, University of London, London

FELBERBAUER Ernst M., Research Management and Cooperation, Austrian National Defence Academy, Austria

HAJREDINI Habit, Office of the Prime Minister, Prishtina

JUREKOVIĆ Predrag, Institute for Peace Support and Conflict Management, Austrian National Defence Academy, Austria

LLESHAJ Sashenka, Albanian Institute for International Studies, Tirana

PAPIĆ Žarko, Initiative for Better and Humane Inclusion, Sarajevo

PILSEL Drago, Journalist and Theologian, Croatia

RHODES Matthew, George C. Marshall Center – European Center for Security Studies, Garmisch-Partenkirchen

ŠOLAJA Miloš, University of Banja Luka

A vital Civil Society usually is seen as an important attribute of developed democratic states. In South East Europe, intellectuals and international stakeholders have pinned their hopes on Civil Society Organisations (CSOs) as driving factors for positive societal and political changes and beneficial correctives to the return of authoritarian practices. CSOs, however, have proven not resolute enough due to a widely spread social and economic pessimism, which has characterized South East European societies. The demonstrations in Bosnia and Herzegovina in the spring of 2014, which were caused by the tremendous social and political frustration of the citizens, have given hope for some positive political changes in this country as well as in the neighbourhood.

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