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THE EU'S POTENTIAL TO STABILIZE BOSNIA AND HERZEGOVINA - CIVIL SOCIETY CAPACITY BUILDING AS THE KEY TO DEMOCRATIC CONSOLIDATION ?

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Introduction

I see that some of Bosnia and Herzegovina's problems are of a complex nature. But I also see that there are myriad problems that can be solved and solved quickly and that the solutions to these problems do not have to wait until the more difficult ones are dealt with.

Valentin Inzko
High Representative / EUSR to Bosnia and Herzegovina
speech on 31 August 2009

Bosnia and Herzegovina, 14 years after the end of the civil war: The country faces serious political, social, and economic problems, and disconcerting reports¹ on Bosnian democracy have been coming in weekly intervals since the victory of the major ethno-nationalist parties at the municipal elections in October 2008². The current High Representative Valentin Inzko, vicegerent of the International Community in Bosnia and Herzegovina, admits that the actual problems are "of a complex nature". Democratic consolidation as "the process of achieving broad and deep legitimation, such that all significant political actors, at both the elite and mass levels, believe that the democratic regime is better for their society than any other realistic alternative they can imagine" (Diamond 1996: 33) is far from attained. But the fact that it is not a consolidated democracy will slow down Bosnia and Herzegovina's EU accession process.

However, the High Representative Valentin Inzko also points out that many problems can be solved. In this regard, the EU admits to its long-term objective to integrate Bosnia and Herzegovina as a full member of the EU³. Given the political struggles between nationalist parties and the setbacks in the institution building process, the EU's current engagement in Bosnia and Herzegovina is characterized by a focus on Bosnian civil society organizations (CSOs) instead of on Bosnian state authorities alone. It is hoped that civil society organizations, and especially Non-Governmental Organizations (NGOs), will put democracy on a firm footing (Cf: Ishkanian 2008: 61f).

¹ Regular reporting on the deteriorating situation can be found in the online newspaper Balkan Insight, e.g. Latal, Srecko (2009): Bosnia under Fire from Brussels. 22.06.2009. [URL: <http://www.balkaninsight.com/en/main/news/20408/?tpl=299&ST1>] (01.09.2009); Latal, Srecko (2009): Politicians "Lead Bosnia to the Verge of War". 30.08.2009. [URL: <http://www.balkaninsight.com/en/main/news/21910/>] (01.09.2009). Furthermore, a recently published study of the International Crisis Group elaborates on the most serious political crisis in Bosnia and Herzegovina since 1995. Cf: International Crisis Group (2009): Bosnia: A Test of Political Maturity in Mostar. Policy Briefing. Europe Briefing N°54. Sarajevo/Brussels, 27 July 2009.

² On 5 October 2008, the major nationalist parties SNSD (Serb), SDA (Bosniak) and HDZ / HDZ 1990 (Croat) did not only win the majority of legislative seats, but also most of the mayor positions in the 149 Bosnian municipalities. Cf: Balkan Insight, 6 October 2008. [URL: http://www.balkaninsight.com/en/main/news/13721/?tpl=299&ST1=Text&ST_T1=Article&ST_AS1=1&ST_max=1] (19 October 2009)

³ The objective to integrate Bosnia and Herzegovina successively into the EU has been lately reaffirmed in the 2009 Progress Report on Bosnia and Herzegovina. Progress Report 2009: [URL: http://ec.europa.eu/enlargement/pdf/key_documents/2009/ba_rapport_2009_en.pdf] (19 October 2009)

Hence, in 2007, under the umbrella of the EU's Instrument for Pre-Accession Assistance (IPA), new programs have been created to support Bosnian NGOs, helping them to become serious players in enabling democratic consolidation. If, and to what extent the EU's emphasis on civil society satisfies the challenges of democratic consolidation reinforced by non-governmental actors must be determined. Therefore, the research question addressed in this paper is:

To what extent does the EU's support offered to Bosnian NGOs satisfy the challenges of democratic consolidation by civil society?

The research question is comprised of several parts that must be dealt with individually. One requirement is to describe on the general role of civil society actors within the democratic consolidation process. The next goal is to determine whether the EU's policy instruments are adequate as regards the empowerment of Bosnian NGOs. This requires that the challenges and needs of the Bosnian civil society be aligned with the EU's policy approaches to civil society development. In order to answer the research question, several sub-questions must also be answered:

What function do civil society actors have as regards democratic consolidation?

How is the EU's focus on civil society realized?

What role does Bosnian civil society actually play in the democratic consolidation process?

Do the EU's civil society commitments correspond to the challenges of the Bosnian NGOs?

To that purpose, the goal of the study on the Bosnian civil society and its impact on democratic consolidation, encouraged by different EU policies, is to look for coherence between the particular challenges for Bosnian NGOs on the one hand, and the EU's responses to these challenges on the other hand. The EU's efforts to support Bosnian NGOs are analyzed under a double-tracked perspective. First, the EU's civil society policies may only be considered as successful, if the actual challenges relative to democratic consolidation by civil society actors are addressed in the EU's policy formulation. This perspective requires both, an ex ante theoretical disquisition on the potential of civil society actors to consolidate democracy in young democracies, and a subsequent check if the two branches of the EU's civil society policy – financial support and civil society dialogue – are in accordance with the operational and behavioral challenges elaborated in the theoretical part.

Second, the analysis of the success of the EU's civil society policy in Bosnia and Herzegovina comprises a normative level. Due to the fact that the EU's efforts in the field of civil society

capacity building in terms of enlargement policy are comparatively new⁴, definitive conclusions on the success of the EU's instruments cannot be drawn. For this reason, the Bosnian NGOs' expectancies as regards the EU's support as well as their assessments on the current situation of the Bosnian civil society are included in the study. The outcome of this is to establish certain categories and indicators, which are considered to be necessary to speak of success as regards the EU's civil society policy. This is what is done in the empirical part of the present research paper, when trading the statements of the EU officials off against the statements by Bosnian NGOs. Democratic consolidation and civil society development, as they are understood in this paper, are processual phenomena. From the prior established theoretical background of democratic consolidation and the civil society's impact on strengthening democracy, certain aspects are derived, which *should* be fostered by EU agents in order to achieve the goal of democratic consolidation.

To summarize, the research question aims at the coherence of European policies in terms of civil society support in Bosnia and Herzegovina, while containing a normative aspect of how the support to Bosnian NGOs should be fashioned. This double-tracked perspective leads one to assume that measuring the policy effects in terms of success or failure is difficult to realize. However, in order to speak of satisfactory support, some sort of benchmark may be set. Since civil society development is embedded in the area of political criteria, which are assessed in the annual Progress Reports on the Western Balkan countries, the EU has some benchmarks relative to their own targets of preparing the Western Balkan countries to access to the EU. Whereas the EU did not explicitly state on benchmarks as regards civil society development in Bosnia and Herzegovina, individual benchmarks for Serbia, Macedonia, Kosovo and Albania have been set in the respective country Progress Reports. These may be applied to the case of Bosnia and Herzegovina, too⁵. The Balkan Civil Society Development Network, which is composed of 12 civil society organizations from 9 countries of Southeastern Europe, states that the benchmarks as regards civil society development for the different countries may be summarized under the following categories: (1) environment (legal and financial) in which CSOs operate in a country; (2)

⁴ Only in 2007, the EU expressed explicitly the goal to foster democratic consolidation of the Western Balkan countries by including civil society actors in the process of EU integration. In the 2007 Enlargement Strategy, civil society development would become one of the key reform priorities of EU enlargement policy, embedded in the field of required political criteria to any further EU accession. Cf: Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2007-2008. COM (2007) 663 final. [URL: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/strategy_paper_en.pdf] (06.11.2009)

⁵ Serbia was the first country to include benchmarks in terms of civil society development, even before 2007. In 2007, benchmarks were introduced for Macedonia and for Kosovo, and in 2008, specific benchmarks were reflected in the Progress Report on Albania. Cf: Balkan Civil Society Development Network, background analysis on the Progress Reports 2009. [URL: http://www.balkancsd.net/WBStorage/Files/BCSDN%20Towards%20a%20civil%20society%20Acquis_Progress%20Report%20background%20analysis.pdf] (06.11.2009)

capacities of CSOs, especially advocacy; (3) networking; (4) existence of mechanism of dialogue with focus on the the government; and (5) information and financing transparency (BCSDN 2009: 2). With respect to these criteria of successful civil society policy, the empirical part of the present paper will provide answers to the central research question to *what extent the EU's support offered to Bosnian NGOs does satisfy the challenges of democratic consolidation by civil society.*

Research Design

The case study on Bosnia and Herzegovina's civil society actors to contribute to democratic consolidation is structured in the following way. First, the academic research on democratization and the civil society's contribution to democratic consolidation is illustrated. Scientific research on third wave democracies, i.e. on countries that have undergone a democratic transition process in the late 20th century, serves as a starting point to elucidate the particular mechanisms of democratization and the interconnectedness between actors, structures and processes. Different schools of thought are introduced in order to elaborate on the specific challenges of democratic consolidation processes. The objective of the theoretical part is to elaborate on the positive contributions that civil society actors may have on democratic consolidation, but also to clarify the limits of civil society within democratization processes. Furthermore, it is shown how the EU's interest in supporting NGOs has developed over the past years.

A second part is an introduction to the case study on Bosnia and Herzegovina. In order to elaborate on the particular settings of democratization in Bosnia and Herzegovina, the analysis takes into account cultural, historical and societal prerequisites as well as the actual constitution of the Bosnian civil society. In addition to material drawn from the relevant literature, firsthand interviews with representatives of Bosnian NGOs are included in the analysis. The interviews were conducted in July of 2008 during a research trip to Bosnia and Herzegovina. The interviews with *Omira Tufo* (Civil Society Promotion Centre, Sarajevo), *Omar Filipović* (Schüler helfen Leben, Sarajevo), *Ismet Sejfića* (IPAK, Tuzla) can be found in the annex.

A third part consists of the empirical findings on the research question to *what extent the EU's support offered to Bosnian NGOs does satisfy the challenges of democratic consolidation by civil society.* The empirical research comprises two sets of data. One set is the information obtained by representatives of EU actors involved in civil society capacity building. To that purpose, two more expert interviews were conducted in July 2009, one interview with *Rebekka Maria Edelmann*, member of the Commission's DG Enlargement, Unit C1 Bosnia and Herzegovina, and

one interview with *Sabina Mazzi Zissis*, member of the European Parliament's Directorate General External Policies of the Union, Unit Europe. Both interviews are included in the annex. The information obtained during these interviews serves as a basis for discussion of the EU's impact on civil society capacity building. The other part is the evaluation of an online survey, which was accessible online between July 7, 2009, and July 31, 2009. The addressees of the online survey were *Bosnian NGOs*, which were asked to express themselves on several topics of democratic consolidation and of the EU's support to the Bosnian civil society. The questionnaire, as well as the 15 individual answer sheets, are in the annex of this paper. In the follow-up to the evaluation of the interviews and of the online survey, several indicators are defined in order to give reliable answers to the research question and sub-questions. Included in the analysis are the theoretical assumptions on the correlation between democratic consolidation and civil society mentioned previously.

Given the just mentioned structure, it should be noted that the present paper focuses solely on the potential and actual impact of Bosnian NGOs on democratic consolidation. The empirical results on the civil society actors' impact and the EU's support to foster civil society development in Bosnia and Herzegovina cannot be generalized to other countries. As it will be shown in the theoretical part of this paper, the democratization approach to be followed is an interactive one that puts much of its emphasis on historical and cultural prerequisites and legacies. The background conditions for civil society development in different countries are diverse. Why then, the benchmarks on civil society development, which are taken from other Progress Reports than the one on Bosnia and Herzegovina, can nonetheless be applied to Bosnia and Herzegovina? The benchmarks on civil society development are all taken from Progress Reports of Western Balkan countries – Serbia, Macedonia, Kosovo and Albania. Their geographical, historical and cultural proximity with Bosnia and Herzegovina allows to judge the EU's performance in terms of civil society support, without losing the main assumptions on cultural and historical particularities of the interactive approach to democratization (cf: Chapter 1.1). Furthermore, the EU's enlargement policy is two-fold. Besides the individual approach to one country, a strong regional focus is inherent to all EU efforts to foster EU integration of the Western Balkan countries since the Thessaloniki summit in 2003.

1. Democratic Consolidation – background, challenges and the impact of civil society

Before elaborating on the impact of Bosnian civil society in the process of democratic consolidation as well as those instruments of European policy aimed at supporting civil society development, a few theoretical assumptions about the connection between democratic consolidation and civil society must be made. The objective of the following theoretical part is to provide a basis for the empirical research on how the support offered Bosnian NGOs by the EU meets the challenges of democratic consolidation by civil society. In order to answer both the questions of why external factors like the EU's support of civil society in new democracies, and of which chances and limits arise from the concept of civil society within democratic consolidation processes, the chapter is composed of three sub sections. First, the academic debate on particularities of democratization processes in the late 20th and early 21st century is illustrated. Different concepts on democratic consolidation are introduced in order to describe the complex interaction between actors, structures and cultural prerequisites (1.1). Next and most important is the impact of civil society on democratic consolidation as it is understood in the different theoretical schools (1.2). Finally, the issue of why external actors like the EU engage in civil society development is expanded upon (1.3).

1.1 Theoretical Assumptions on third wave democracies and democratic consolidation

The renewed interest in democratization theory in the late 20th century was a result of the end of the dictatorial regime in Portugal in April 1974. Starting with an overthrow of the dictatorial and military regimes in Southern Europe¹, a global trend toward democracy can be observed which is known as the third wave of democratization (Huntington 1993: 21). Samuel P. Huntington, who dealt with the subsequent political changes in Latin America, Asia, and finally with the breakdown of the Communist regimes in Eastern Europe, initiated discussion on the origins and challenges of democratization in the late 20th century. Most important to Samuel P. Huntington were questions dealing with the consolidation of democracy: “What problems do the new democratic systems confront? Does democracy endure? Do the new systems consolidate or collapse?” (Huntington 1993: 208). Since Huntington could not yet answer the issues of democratic consolidation by referring to empirical evidence, it is worth looking at successive writings on how democracy

¹ After the end of the dictatorial regime in Portugal (1974), the regimes in Greece (1974) and Spain (1975) were overthrown.

developed in these countries.

In 1998, Andreas Schedler stated that the countries that shifted from authoritarian rule toward some kind of democratic regime were not yet consolidated: “[I]t has also become apparent that sustaining democracy is often a task as difficult as establishing it” (Schedler 1998: 91). Larry Diamond is also sceptical about the sustainability of the new democracies: “When we examine closely the character of most third-wave democracies [...], we find acute problems and vulnerabilities, which diminish and erode the quality of democracy.” (Diamond 1999: 64). To counteract the imprecise nature of the terms democratic consolidation and democratization, Jean Grugel claims to “explor[e] certain aspects of what democracy and democratization means in specific cases and regions for particular actors involved in the process” (Grugel 1999: 4) in order to clarify the increasingly ambiguous concept of democratization. Which particularities must be retained when applying democratization theory to specific country cases of the third-wave democracies?

The following comparison of the competing schools of thoughts will help to clarify the concept of democratization with regard to the particular advantages and disadvantages when of the impact of civil society on democratic consolidation. In the academic debate on how democratization at the end of the 20th century functions, several theoretical schools offer different explanatory approaches that emphasize, respectively, the **importance of either structures, actors or interactions**. The typology used by Jean Grugel in the introduction to *Democracy without Borders (1999)*, amended by that of Geoffrey Pridham in *Experimenting with Democracy (2000)* as well as by a contemporary school of thought introduced by Hans Peter Schmitz and Katrin Sell is used in the following. These models stress the perspective of international influence on democratization processes, one which has been neglected until recently. Because the focus of this research paper is the potential impact of civil society organizations on democratic consolidation, the academic debate between the different scholars will be illustrated in the following way: First, the basic assumptions and premises will be highlighted; then, the relevant approach to democratic consolidation will be illustrated; and finally, criticism of the different theoretical frameworks will be addressed.

One approach is known as **modernization theory**, and is based on the work of Seymour Martin Lipset (1960) relating democracy to the level of economic development. Modernization theory focuses on the social and economic prerequisites necessary for democratization. Over the years, successors of Lipset's theory modified its liberal assumptions. Whereas traditional

modernization scholars emphasize that only capitalist countries may develop from authoritarian regimes into democratic societies, the cadet branches of modernization theory see the causal relationship between capitalism and democracy in a more differentiated way.

According to newer disciples like Rueschmeyer et al. (1992), “in themselves, [the structures of capitalist development] were not sufficient to guarantee democracy as an outcome.” (Grugel 1999: 7). That is to say that capitalist structures like the existence of a free market economy and good economic performance in terms of income and GDP are necessary for any democratic development, but in order to achieve real sustainable democratic performance, other aspects like institution-building, literacy rate, and urbanization must also be taken into account. Admittedly, although modernization theory has been slightly adjusted with regard to third wave democracies, the basic assumptions remain the same. Structure is still the most important variable to explain democratization. This means that the modernization argument adopts a macro perspective and assumes “that agents' behavior is epiphenomenal and ultimately reducible to material or other external conditions.” (Schmitz / Sell 1999: 24). Without a fertile ground of economic, social and cultural development, democracy will scarcely survive.

Given the main assumptions of modernization theory, **democratic consolidation** would require the existence, persistence and enhancement of democratic structures that must already be present from the beginning of the democratic transition process. Institution-building and the institutionalization of societal and cultural norms are of major significance. In this vein, modernization theory puts emphasis on the structural and societal framework of a country in transition. Democracy can only persist if economic development promotes societal evolution: “the probability that a democracy dies declines monotonically with the increase of per capita income; and as a result, the probability that a country has a democratic regime increases with the level of economic development.” (Schmitz / Sell 1999: 29).

As to its **criticism**, modernization theory faces two major reproaches: First, modernization theory is criticized as being over-deterministic (Pridham 2000: 3). With regard to the transformations in Central and Eastern Europe in the late 1980s and 1990s, the focus on socio-economic conditions seems to be too narrow, since the prior economic performance of most East European countries can scarcely be described as favorable to democratic development. However, these countries have undergone definite democratic transitions, and most of them – Poland, Czech Republic, the Baltic countries, Hungary – are now considered to be consolidated democracies. The modernist pessimistic view includes a “sense of western superiority since democracy was

perceived as a higher form of government, which many societies were unable to enjoy because their development levels were inferior.” (Grugel 1999: 6). Secondly, critics like Hans Peter Schmitz and Katrin Sell claim that the exclusive focus on the macro level neglects the importance of political choices and actors' behavior within the process of democratization. “For structuralists, choices represent calculations in light of given preferences and institutional constraints.” (Schmitz / Sell 1999: 29). While ignoring the impact of political choices, individual behavior and attitudes within a democratic regime, modernization scholars miss one essential point: “In each stage, different kinds of political action become relevant.” (Schmitz / Sell 1999: 25).

A second line of argumentation is an actor-centered school of thought, which is labeled as either an agency approach (Schmitz & Sell), or **transitology** (Grugel) or a genetic theory (Pridham). In spite of various names, the core assumptions of the actor-centered theories² are the same. The main difference between modernization and transitology theory is that the latter “asserts that political change and democratic consolidation are outcomes primarily determined by the process of transition itself and the interaction of choices made by individuals or groups.” (Schmitz / Sell 1999: 24). Emphasis is put on political bargaining between elites and political leaders that agree to institutionalize certain rules and norms.

Central to the transitology approach to democratization are the voluntary choices by actors involved in the transition processes. The transitologist's approach is hence optimistic, since “democracy is not structurally determined and can therefore be made independent of the structural context.” (Grugel 1999: 7). The most relevant units of analysis are actors, their preferences, their behavior and their interactions (Schmitz / Sell 1999: 32). Disciples of the transitology approach like Philippe C. Schmitter and Carsten Q. Schneider see democratization as a two-fold process of liberalization of autocracy followed by consolidation of democracy: “By a process of political mobilization, deliberation among representatives, collective choice by rulers, and ratification by citizens, they can not only peacefully remove governments from power, but they can also decide to alter their basic rules and structures.” (Schmitter / Schneider 2000: 1580). Guillermo O'Donnell, another transitologist, further stresses the parallel existence of formal institutions agreed upon by the political elite during the transition process and the existence of informal rules that are decisive for successful democratic consolidation: “Many new polyarchies do not lack institutionalization, but a fixation on highly formalized and complex organizations prevents us from seeing an extremely influential, informal, and sometimes concealed institution: clientelism

² In this paper, the term transitology will be used in order to deal with the assumptions of and criticism on actor-centred schools of thought.

and, more generally, particularism.” (O'Donnell 1996: 5).

Thus, for the purpose of **democratic consolidation**, it is less important that cultural, historical, and socio-economic prerequisites be favorable than that the different political and social arenas be reconciled in a democratic way. In their famous work on consolidated democracies, Juan J. Linz and Alfred Stepan state that the different arenas to be reconciled must incorporate behavioral, an attitudinal, and a constitutional dimensions. They explain that “by a 'consolidated democracy', we mean a political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, 'the only game in town'.” (Linz / Stepan 1996: 15). This means that, behaviorally, no significant national, social, economic, political or institutional actors try to overthrow the democratic regime. Attitudinally, a democracy is consolidated when the majority of the population believes that the democratic regime with its institutions and procedures is the most appropriate way to govern collective life, even if the ruling politicians do not share one's personal convictions. Constitutionally, a democracy can be described as consolidated when all governmental and non-governmental actors are subject to institutionalized rules and laws.

As to its **criticism**, transitology must confront different reproaches. First, Schmitz and Sell criticize the one-sided focus on the micro level of actors' behavior and attitudes and the assumption of rationality in the democratization process. “In particular, it does not clarify how and why initial power shifts occur and why actors chose to follow a democratic path once those shifts have led to the emergence of overall uncertainty.” (Schmitz / Sell 1999: 32). Jean Grugel agrees with this criticism, saying that “transitologists failed to examine deep-rooted obstacles to democratization over the long term.” (Grugel 1999: 8). The sole concentration on actors' behavior and political bargaining does not provide an adequate explanation of why some third wave democracies fail when democratic consolidation does not occur. Grugel attributes misconceptions of these theories to the transitologist's tendency to ignore structures as an important aspect in democratization processes: “[I]t omits to analyse in depth the roles of culture, development, history or the internationalization of politics in democratization.” (Grugel 1999: 9)

A third line of argumentation that takes into account both structures and actors' behavior is labeled a structuralist or **interactive approach** to democratization. The interactive approach seeks to surmount the transitologist's presumed lack of analysis while proposing a framework that includes culture, history and internationalization. Simultaneously, an interactive element of political choice and deliberation is introduced in order to resolve the over-deterministic nature of

the modernization theory. The representatives of this approach admit that “much of the contemporary writing on building democracies is now far more aware of the importance of structures, history and culture than in the 1980s.” (Grugel 1999: 11). According to Grugel, “[d]emocratization, in sum, cannot be seen merely as the establishment of sets of governing institutions but is, more fundamentally, the creation, extension and practice of social citizenship throughout a particular national territory.” (Grugel 1999: 11). In this vein, democratization must be analyzed against the background of cultural and historical prerequisites and consequently, the idea of a 'one-fits-all' theory is obsolete. The emphasis on citizenship and the elimination not only of authoritarian institutions, but also of authoritarian practices, is a long-term approach. As important as the existence of beneficial prerequisites such as the people's interest in democratic transformation, prior experiences with democratic participation and practices, or favorable economic conditions, is the micro-level of social relationships.

Democratic consolidation therefore requires both the existence of institutions and the people's everyday concession to democratic practices as well as some sort of institutionalized relationships between different actors on the macro-, the intermediate- and the micro-levels, i.e. between governmental and parliamentary actors, non-governmental actors (NGOs, media, trade unions), and citizens. Therefore, democratic consolidation needs more than the existence of a state and its institutions, and more than the seven institutional requirements defined by Robert A. Dahl³. According to Wolfgang Merkel and Jürgen Puhle, in order to maintain the legitimacy of young democracies, it is absolutely necessary to mutually link and realize the following sub-regimes within a democracy: Economic efficiency and stability, party system, regimes of interest articulation, societal and political elites' formation, political institutions, mechanisms to include minorities, and the sub-regime of opinions, attitudes and behavior of the citizens (Merkel / Puhle 1999: 138). The interactive approach with its two-way flow of causality between socio-economic conditioning and a discretionary element left to the judgement of the individual actors seems to best explain different outcomes in the third wave democracies in terms of democratic consolidation. Geoffrey Pridham sees the advantages of this approach in that “it allows us to bring into play such determinants as the historical and how legacies from the past impact on the present as well as the interplay between top-down dictates and bottom-up pressures.” (Pridham 2000: 6). The sustainability of democracy depends first and foremost on the acceptance of democratic institutions, on mentalities and practices of the political elite and of the population. Democratic

³ The 7 institutional requirements that Robert A. Dahl develops are: (1) freedom to form and join organizations, (2) freedom of expression, (3) right to vote, (4) right of political leaders to compete for support, (5) existence of alternative sources for information, (6) free and fair elections and (7) institutions making government policies depend on popular vote. (Dahl, Robert A. (1971): Polyarchy. Participation and Opposition. New Haven.)

consolidation would then require “the gelling and crystallization of often newly invented or, at least, newly agreed upon practices, their gradual [...] institutionalization, and the application and implementation of the rules of the democratic game fashioned during the transition, produces an environment for choice [...].” (Diamandouros / Larrabee (2000): 27).

Finally, a fourth line of argumentation on democratization is sometimes mentioned in literature. Dealing with the global trend toward democracy since 1974, one aspect is obvious: the transnationalized context of democratization. There is empirical evidence of a snowball-effect that has led to an expansion of democracy in broad areas of the world. The ***transnationalization theory*** of democratization therefore adds an exogenous element to the endogenous causes of democratization, due to the greater interdependence and interconnectedness between state- and non-state-actors. Hans-Peter Schmitz and Katrin Sell claim that international influences have a domestic impact as a form of institutionalization in three ways: “First, the diffusion of democratic values and norms institutionalizes new ideas in a given national context, thus making available images of alternative regime types and influencing the changes in the actors' preferences and choices.” (Schmitz / Sell 1999: 38).

Another aspect of international influence is the pressure exerted on the target country to adapt to international standards and norms, to economic mechanisms, and to political modes of governance. This pressure is most often exerted by the means of political or economic conditionality. “Finally, the integration of newly democratized countries in international institutions contributes to the process of institution-building and development.” (Schmitz / Sell 1999: 38). The assumptions of the transnationalization theory are crucial for any understanding of the EU's involvement in democratic consolidation in third countries, and of efforts to stabilize countries with the help of the genuine civil society.

With regard to the question on the role of civil society actors in terms of democratic consolidation, a first assumption may be derived from the presentation of the four theoretical schools. Whereas in modernization theory civil society would be a simple product of its environment, fully depending on the economic and social prerequisites, transitologists would rather stress the independence of civil society actors to participate in political processes, regardless of their organizational, financial and technical skills. Disciples of the interactive theory would try to bear in mind the cultural and historical settings, in which country-specific NGOs act, without denying them to influence political outcomes and democratic consolidation. Theories stressing the international component of democratic consolidation, would insist on the

transnational element on civil society actors, which may be supported from the outside (by governmental institutions and INGOs). Of course, these first assumptions are highly tentative. That is why, in a next paragraph, the theoretical foundations on the civil society's impact on democratic consolidation will be elucidated. Which potential is attributed to civil society actors within the process of democratic consolidation? Which chances does civil society have as regards developing a sustainable democracy, and which limits are inherent in the concept of civil society as a backbone of democratic consolidation?

1.2 Civil society's impact on democratic consolidation

Given the main criticisms of the modernization and of the transitology approach, the following case study on Bosnia and Herzegovina will be based on the interactive approach to democratization. This approach allows for the inclusion of both the particular structures of a country and the individual behavior of governmental and non-governmental actors. However, when questioning the role of civil society in democratic consolidation processes, arguments and pleas raised by modernization and transitology theoreticians will be regarded, too. Which theoretical assumptions justify the external actors' focus on civil society? A first observation is that civil society actors such as social movements and NGOs played a crucial role in challenging authoritarian regimes, and finally initiated democratic transition in the 1980s. Especially in Central and Eastern Europe (CEE), "in one way or another, the transitions to democracy inaugurated after 1989 were presented as a triumph of civil society." (Grugel 1999: 17). Indeed, the concept of civil society regained interest with the upheavals and the end of communist rule in the CEE countries: "Seitdem ist unter östlichen wie westlichen (postmarxistischen und liberalen) Intellektuellen die Zivilgesellschaft zu einem zentralen Konzept zum Schutz und zur Weiterentwicklung der Demokratie aufgestiegen." (Merkel / Puhle 1999: 166).

But, just as the consolidation of democracy turned out to be more challenging than the transition to democracy, civil society actors face greater difficulties to assert themselves in the democratic consolidation phase. Petr Kopecky and Edward Barnfield expand on the reasons for the problems of civil society in democratic consolidation processes, describing them as "a result of a combination of cultural, socioeconomic and historical legacies" (Kopecky / Barnfield 1999: 90). Scholars therefore called for a differentiated analysis of the potential of civil society actors in democratic consolidation processes that includes history, culture and socio-economic prerequisites. This differentiated point of view on chances and limits of civil society actors will be used in the

present analysis on the Bosnian NGO sector.

Civil society, as understood in this paper, is

“the arena of voluntary collective actions around the shared interests, purposes and values, an intermediate associated realm between state and family populated by organisations which are separate from the state and enjoy autonomy from the state.” (Fischer 2006: 5)

Based on this definition of civil society, several qualities can be identified that are important for the process of democratic consolidation. First, with direct reference to this definition, civil society contains a “bereichslogische Konzeption” (Reichardt 2004: 61); that is, its nature as an **intermediate arena between the state and private life** that is characterized by voluntary engagement and non-profit orientation. This characteristic is important for democratic consolidation, since highly developed democracies are complex systems of interaction between different political, societal and economic sub-regimes, as Merkel and Puhle explain. Second, the so-called “handlungslogische Konzeptionalisierung” (Reichardt 2004: 61) specifies civil society as a model of collective action, which is based on the **virtues of non-violence, tolerance and civility** (Reichardt 2004: 61). Especially in war-torn societies like in Bosnia and Herzegovina, the development of these virtues is crucial for the peaceful functioning of the state and its institutions. Larry Diamond asserts that “a culture of peace and accommodation can only be developed gradually, and the work of civil society organizations is vital to this transformation.” (Diamond 1999: 239). Certainly, civil society is neither automatically blessed with civic virtues, nor is it always a definable intermediary between the state and private life. Therefore, the academic debate on potential and limitations of civil society actors must be further illustrated.

The positive effect that civil society has on democratic consolidation is first and foremost attributed to the deepening of democracy it enables (cf: Merkel / Puhle 1999: 166). According to different theoretical backgrounds, civil society might either function as a safeguard from governmental arbitrariness (liberal argument); as an arena to dismantle political and societal cleavages (pluralistic argument); as a school for democracy; or as an arena of public discourse and criticism (deliberative argument).

As regards the **transitologist point of view** stressing the freedom of actors' decisions and behavior, Philippe C. Schmitter enumerates the following positive contributions that civil society may have in terms of democratic consolidation: First, civil society contributes to the consolidation of democracy by stabilizing expectations for various social groups and “present[ing] authorities with more aggregated, reliable and actionable information with which to govern.” (Schmitter 1993:

14). Second, civil society spreads civic behavioral norms and incorporates democratic attitudes and virtues. Furthermore, civil society is perceived as an intermediate arena for self-expression and identification, a level close to the citizen, the basic unit of liberal democracy. Schmitter adds that civil society “serves to govern the behavior of its members with regard to collective commitments, thereby, reducing the burden of governance for both public authorities and private producers;” (Schmitter 1993: 14). Finally, Schmitter recognizes reservoirs of potential resistance to arbitrary or tyrannical behavior on the part of rulers. In summary, all the positive contributions listed by Schmitter operate on the level of behavior and attitudes. Civil society is, from the transitologist's perspective, one member, among others, of a democratic dialogue on political decision-making processes – regardless of its historical, cultural and socio-economic prerequisites.

To complete the image of the positive role that civil society may play in democratic consolidation processes, further **arguments of modernization and structuralist theory** are presented. Larry Diamond, a younger disciple of structuralist theory, serves as a reference for the enumeration of the positive effects attributed to civil society. According to Diamond, the most basic function of civil society is “checking, monitoring, and restraining the exercise of power in formally democratic states and holding them accountable to the law and public expectations of responsible government.” (Diamond 1999: 239). Subsequently, Diamond's arguments on the civil society's contribution to democratic consolidation can be roughly divided into two groups: On one hand, there are also aspects aiming at the level of behavior and attitudes of citizens and rulers, such as stimulating political participation (Diamond 1999: 242); providing channels for articulation, aggregation and representation of interests (Diamond 1999: 243); and providing alternative sources of information (Diamond 1999: 247). On the other hand, the more important contribution of civil society organizations is long-term involvement in restructuring democratic and cultural patterns. The focus is on changing structures: Education for democracy is expected to “lead to profound cultural changes, reshaping the way children are educated and relate to authority, the way they understand their country's political history” (Diamond 1999: 243). At the local level, civil society organizations are crucial to transform clientelism into citizenship, since “the social foundation for national chains of patron-client relations” lies at the local level (Diamond 1999: 244).

Finally, civil society is perceived as generating democratic potential and mobilizing new information that facilitates economic reforms. For modernization theoreticians it is necessary to restructure economy, since economic development is seen as more than both a *prerequisite* for democratization and an *outcome* of successful democratization. In his empirical study on the

development of civil society in different CEE countries, Bernhard Weßels concludes that the higher the level of economy, the better organized civil society; the better democracy is consolidated: “Ein insgesamt höheres ökonomisches Niveau einer Gesellschaft ist demokratie- und damit auch organisationsförderlich.” (Weßels 2004: 182). Only if structural adjustments initiated and supported by civil society are successful is sustainable democratic consolidation possible. On that account, a combined approach to civil society's democratic impact should embrace both the positive contributions in terms of behavior and attitudes and the contributions in terms of structural adjustments.

There is, however, doubt of the democratic potential of civil society actors. When examining the EU's policy support to the Bosnian civil society in the empirical part of this paper, these reservations should be kept in mind in order to gain realistic evaluations on the potential and limitations of civil society capacity building. Larry Diamond adds 4 potential dilemmas and caveats when analyzing the civil society's potential to consolidate democracy (Diamond 1999: 250ff):

(1) Civil society needs ***autonomy in its financing, operations and legal standing***. In order to become an independent arena that acts as the intermediary between the state and private life (family, economy), financial sustainability is a crucial aspect for civil societies. Only if rules on legal standing and financial mechanisms are established might a civil society develop that is capable of spearheading democratic consolidation.

(2) A ***hyperactive, confrontational civil society might harm the integrity of the state***, especially in new democracies. This aspect is also stressed by Philippe C. Schmitter: “It [civil society] can make the formation of majorities more difficult, lengthy and precarious, thereby, lowering the legitimacy of democratic governments;” (Schmitter 1993: 15). Indeed, civil society should not be understood as a unitary arena of consensual positions and behaviors that automatically supports political decision-makers by providing them with information, thus enhancing the system's efficiency and legitimacy. With regard to the objection of a confrontational civil society, Merkel and Puhle add that the structure of civil society can even tighten existing tensions in one society, since it may be characterized by particularism, ethnic division, and clientelism (Merkel / Puhle 1999: 173). Claire Mercer underlines this demerit: “Ethnic or regional differences, particularly when accompanied by socio-economic inequalities, are often considered a potential problem for the consolidation of democracy (Mercer 2002: 8)

(3) Even if ***civil society must be independent from the state, it should not be alienated from it***. The common opinion of civil society is that it is civic, tolerant and democratic. Admittedly, civil society organization may not always incorporate civic goals, non-violent objectives and

democratic aims. The civil society's potential to act as a watchdog and challenge authoritarian practices might also function the other way around, as Michael W. Foley and Bob Edwards note: "Where emphasis is placed on the ability of civil society to oppose a tyrannical state, its ability to oppose a democratic one is either ignored outright or countered with qualifications that themselves undermine the power of the civil society argument generally." (Foley / Edwards 1996: 47). The relationship between state and civil society is therefore a controversial one, as Claire Mercer adds: "It is, therefore, quite clear that the role of NGOs *vis-à-vis* states in democratic development is a contested one, in which NGOs are interpreted from a range of standpoints as providers of structural support for emerging neoliberal democratic regimes, or as principal actors in the undermining of weak states, and even of weak states *and* societies." (Mercer 2002: 19)

(4) ***Dependency on the international community.*** As a consequence of external funding, the development of an indigenous civil society is often obstructed. The support to (international) NGOs is sometimes perceived as universal remedy in terms of democratic consolidation, especially in war-torn societies. However, the aid given to build civil society proves often to be inadequate, since neither cultural nor historical legacies are taken into account. Roberto Belloni, for example, has observed the negative effects on socio-economic development in Bosnia and Herzegovina: "The international humanitarian aid industry [...] hinders the development of the local labor markets and the valorization of local capacities." (Belloni 2001: 165)". Furthermore, Larry Diamond mentions representation as "another horn of the international dilemma." (Diamond 1999: 253). Civil society lives on voluntaristic engagement of its members, but often the local population does not identify with artificially created NGOs, as Belloni stresses: "Dependence of local NGOs on external donors has a strong impact on their functioning, agendas and effectiveness." (Belloni 2001: 173).

Against the background of these dilemmas and caveats, the EU's capacity-building policies must find solutions to support civil society organizations in a way that is conducive to the consolidation of democracy. Hence, the empirical research on the Bosnian civil society will bear these challenges in mind, when raising the issue of financing and legal status, of the NGOs' relationship with the state authorities, and their cooperation with the international community. Furthermore, the interactive approach to democratization will examine both kinds of the civil society's positive contribution to democratic consolidation, contributions in terms of attitudes and behavior, as well as contributions in terms of structural adjustments. Of course, the interactive approach to democratization is more than a combination of modernization theory and transitology. Therefore, cultural, historical and socio-economic prerequisites responsible for the

development of a stable local civil society will be taken into account when introducing the case study on Bosnia and Herzegovina. To conclude with Wolfgang Merkel and Hans-Jürgen Puhle: “Die präzise Verortung der Zivilgesellschaft im Hinblick auf ihre Demokratiepoteziale [kann] nur kontextabhängig gelingen.” (Merkel / Puhle 1999: 174).

But before analyzing the specific case of the Bosnian civil society, the EU's role in supporting civil societies must be briefly elucidated. The question, why and when the EU developed interest in civil society is crucial for the understanding of the EU's approach to the Bosnian civil society. In order to judge the EU's actual impact on the development of the Bosnian civil society, it is necessary to illustrate the EU's own perception of the role that civil society actors may assume.

1.3 The EU's multi-level governance and civil society policy

Against the backdrop of the upheavals in the former communist countries and the pivotal role that civil society has played in these overthrows, the European Union has gained interest in civil society actors and their impact on democratization processes in third wave democracies with a special focus on potential EU candidate countries. On one hand, the EU's focus on civil society is based on actual events. The conducive forces in Eastern Europe's democratic transitions were civil society actors like Solidarność (PL) or Civic Forum (CZ). On the other hand, the EU was not ignorant of the renewed interest in civil society within the academic world. As previously illustrated, there was a revival on civil society in the academic debate on democratization in the 1990s that is consequently also reflected in new EU legislation on civil society.

Since the late 1990s, several policy and discussion papers on civil society have been passed by the EU institutions. In chronological order, the EU passed in 1997 a communication highlighting the economic and social importance of CSOs, which were “acknowledged for their decisive role for democratic societies” (Zimmer 2008: 175). In 2000, the Commission published a Discussion Paper entitled *The Commission and Non Governmental Organisations: Building a Stronger Partnership* (COMM 2000:11 final), in which it is stated that a deepened cooperation between EU institutions and NGOs from the member states as well as from (potential) candidate countries “contributes to promoting European integration in a practical way and often at a grassroots level.” (COMM (2000) 11 final: 5). The issue of promoting and deepening democracy and the dialogue between citizens and the EU institutions was also the subject of the Commission's *White Paper on European*

Governance of 2001. The important role of civil society is acknowledged in the statement that “organisations which make up civil society mobilise people and support, for instance, those suffering from exclusion or discrimination. The Union has encouraged the development of civil society in the applicant countries, as part of their preparation for membership.” (COMM (2001)428 final:14). Finally, in 2002, the Commission passed a Communication *Towards a reinforced culture of consultation and dialogue* (COMM (2002) 704 final), in which the instrument of a civic dialogue between civil society organizations and the EU institutions is announced.

Thus, the EU's conception of civil society is influenced by the previously introduced normative-theoretical point of view that civil society organizations may positively contribute to a deepening of democracy, and that they may act as an intermediary to channel and articulate information for both sides – for the EU decision makers and for the European citizens. The interest in deepening democracy and fostering cooperation with civil society is also predicated on a certain self-interest of the EU, and reflects the multi-level governance structure of the European institutions. Since the EU represents a complex multi-level governance based on horizontal and vertical integration⁴, traditional modes of representative government fall short of describing the functioning of the EU. The distinction between output and input legitimacy described by Fritz Scharpf⁵ in order to characterize representative democracies has to be adjusted with regard to the functioning of the EU. According to Annette Zimmer, the EU's reality of polity, politics and policy is summarized best by the term *governance*, which “relates to changed actor constellations in politics that are no longer restricted to state actors and thus to elected politicians and so-called neutral bureaucrats, but encompass almost by definition private corporate actors, among them associations of any type and field, business, enterprises, lobby groups, social movements and public interest groups, NGOs and NPOs and civil society organisations.” (Zimmer 2008: 169).

Why is this statement on governance and the role on NGOs within the multi-level structure of the European Union of importance for any further understanding of the EU's support to civil society actors in third wave democracies? First, because it underlines that civil society is not new

⁴ By vertical integration, the process of fostering European integration by transferring policy responsibilities from the member states to European institutions is meant. Horizontal integration describes the integration process as an enlargement of the (territorial) area of application of EU law. Cf: Holzinger, Katharina u.a.: Die Europäische Union. Theorien und Analysekonzepte. Paderborn 2005. S.20-21.

⁵ In his work *Demokratietheorie zwischen Utopie und Anpassung (1970)*, Fritz W. Scharpf elaborates on the differences on output legitimacy and input legitimacy. Whereas output legitimacy means a desirable quality of political output, and then determine further requirements concerning the structures of the political system from this point; input legitimacy is not about the quality of a system's performance, but about the possibilities to express the people's will and to articulate interests in the political process. (Scharpf 1970: 21). To speak roughly, output legitimacy is 'government for the people' and input legitimacy is 'government by the people'. In the EU, the pre-conditions for input and output-oriented political rule are different from the nation-state rules, therefore, more complex theories on legitimate governance are needed in order to describe the variety of actors, processes and structures at the EU level.

to the inner constitution of the European institutions. Civil society capacity building as regards NGOs from outside the EU is based on real experiences of cooperation with civil society actors from inside the EU. Second, as the interviews with EU officials in the empirical part of this paper will further illustrate, civil society capacity building is not an altruistic task for the sake of democratic consolidation in other countries. In fact, the European institutions pursue their own interests when bringing, for example, Bosnian NGOs on board. The reception of first-hand information from NGOs and other civil society organizations on democratization processes is of crucial importance for the EU when it comes to passing policy recommendations and country progress reports on the (potential) candidate countries. Furthermore, once the candidate country becomes an EU member, a prior integration of non state actors to the European governance process may be an advantage, and may facilitate the realization of EU governance structures in the new member states.

The EU therefore applies its 2005 *Plan D*⁶ (Democracy, Dialogue, Debate), which aims at promoting national debates on Europe's future, also in the (potential) candidate countries. The Plan D's *Civil Dialogue* between non-state actors and EU institutions in particular represents a chance to consolidate democracy in the candidate countries and explain the EU's functioning to the local people. Jelica Minić examines the effects of the Civil Dialogue on the Serbian NGO landscape and stresses the positive contributions of this continuous, yet open dialogue. She states that “the main issue is how to prepare the European neighbours aspiring to join the EU at some point in the future for membership” (Minić 2007: 350). In summary, she concludes that the Civil Dialogue “seems to be a promising, more informal and flexible way of mobilising social energy to consolidate the EU itself and to better prepare future members for integration.” (Minić 2007: 351). While exchanging information with NGOs and other civil society actors, the EU also increases the pressure on the governments of the (potential) candidate countries, which are directly addressed on the basis of policy recommendations and country progress reports. This kind of pressure is emblematic for a transnational approach to democratization. Especially with the carrot of EU accession, democratic consolidation is more likely to be enforced, including by local NGOs.

To conclude the theoretical part on the relationship between democratic consolidation and the impact of civil society on democratization, a few aspects should be recalled. First, the success

⁶ In October 2005, the European Commission created the Plan D for Democracy, Dialogue and Debate in the aftermath of the failed referenda in France and in the Netherlands on the European Constitution. To progress in terms of European integration, also during the period of reflection, the objective of the Plan D strategy is to „stimulate a wider debate between the European Union’s democratic institutions and citizens. It has to be seen as complementary to the already existing or proposed initiatives and programmes such as those in the field of education, youth, culture and promoting active European citizenship.” (European Commission: COM(2005) 494 final. [URL: http://ec.europa.eu/commission_barroso/wallstrom/pdf/communication_planD_en.pdf] (21.10.2009)

of democratic consolidation requires the existence of democratic actors on various levels of a state. Only if the macro level of government, political parties and state institutions interacts with the intermediate level of civil society organizations, the media and private economy, and with the micro level of citizens in a democratic manner, can third wave democracies be consolidated. It is especially important for civil society to articulate, criticize and control government and state institutions. Civil society contributes positively to democratic consolidation only if the historical, political and cultural prerequisites are opportune to form a powerful, critical civil society; and if the civil society organizations cultivate certain attitudinal and behavioral patterns and organizational skills necessary to participate in the political arena. Therefore, the next step is to analyze the main challenges, potential, and weak points of the Bosnian civil society, in order to question the appropriateness of European instruments to consolidate democracy in Bosnia and Herzegovina by supporting local NGOs.

2. Case study: Democratic consolidation and civil society in the Bosnian context

Which background conditions are of importance, when dealing with the development of the Bosnian civil society as an actor to foster democratic consolidation? As it has been shown, democratic consolidation by civil society actors requires the existence of certain cultural and historical structures, as well as the commitment of various (political) actors of the macro-, the micro- and the intermediate level to cooperate with each other and to behave democratically. Because the interactive approach of democratization is adopted in this paper, it is necessary to look at both, the cultural and historical prerequisites for democratic consolidation in Bosnia and Herzegovina, as well as at the challenges and opportunities of the Bosnian civil society actors as regards their role as democratization promoter. Only if these background conditions are known, the suitability of the EU's civil society policies and their success may be analysed.

Bosnia and Herzegovina may be considered as a typical example of third wave democracy, since, on one hand, it has formally undergone a democratic transition with the establishment of state institutions and with the shift from planned economy to free market economy. On the other hand, however, Bosnia and Herzegovina still cannot be considered a consolidated democracy, since the functioning of the political institutions is blocked by complicated institutional arrangements, inter-ethnic strife obstructs political and social processes, and the free market economy confronts problems of corruption, clientelism, and a high score of unemployment¹.

Freedom House indicates the overall democracy score for Bosnia and Herzegovina for the year 2009 as 4.18². Therefore, the question is whether the historical, cultural and political prerequisites and structures are conducive for democratic consolidation; or if they are not, how they can be changed in order to achieve democratic sustainability. To that purpose, the interactive element of relationships between actors on the macro-, intermediate- and micro-level is of interest. Especially the relationship between official political authorities and civil society, including attitudes and behavior, is of relevance to any further consolidation of democracy in Bosnia and Herzegovina. The choice for Bosnia and Herzegovina is justified because of its status as a semi protectorate of the International Community. Indeed, the major political forces to conduct the

¹ The official unemployment rate for Bosnia and Herzegovina is at 45.5%, according to the CIA World Fact Book. However, gray economy may reduce the actual number of unemployed. [URL: <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>]

² The Freedom House Index rates countries according to their democratic performance as regards electoral process, civil society, governance, local democratic governance, national democratic governance, independent media, corruption and judicial framework and independence. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. [URL: <http://www.freedomhouse.org/uploads/nit/2009/Bosnia-final.pdf>]

country's daily political business are the Office of the High Representative (OHR) and the EU Special Representative (EUSR), which have legislative and executive powers. The strong international presence in Bosnia and Herzegovina raises the issue of international influence on democratic consolidation. For this reason, a transnational element on democratization is included in the analysis.

Especially in the field of civil society, the presence of international donors can be questioned as regards positive contributions to the democratic challenges in the country. Moreover, Bosnia and Herzegovina is a potential EU candidate country. The ties between the EU and Bosnia and Herzegovina include relationships between EU delegates and civil society representatives that go beyond official negotiations between EU authorities and Bosnian national authorities. As exposed in paragraph 1.3, the EU is up to a constructive and continuous dialogue with civil society, also in its own interest. In the following, the outcomes of democratic consolidation and the potential for sustainable democracy is questioned against the background of socio-economic and historical conditioning in combination with a discretionary element left to the Bosnian civil society organizations and international actors involved in the consolidation process.

2.1 Bosnian particularities of democratic consolidation

In order to respect the particular cultural and historical prerequisites of democratization in Bosnia and Herzegovina, Geoffry Pridham, Diamandouros and Larrabee propose the following Balkan model (Pridham 2000: 9):

1) *Historical legacies:* As previously illustrated, democratic consolidation depends not only on the establishment of institutions, but first and foremost on the acceptance of these institutions: on mentalities and practices of the political elites and of the population. According to Diamandouros and Larrabee, persistent characteristics of the Balkan countries are the cumulative impacts of patrimonialism, sultanism, and totalitarianism. It “has been a cultural, social, economic and political environment that has considerably slowed down the democratization process and complicated the prospects for consolidation.” (Diamandouros / Larrabee 2000: 53). The concepts sultanism and patrimonialism require a brief explanation. Since Bosnia and Herzegovina was part of the Ottoman empire, a state organization known under the term sultanism (an extreme form of patrimonialism) shaped the country's particular power relations. Characterized by a highly personalized exercise of power and the use of tradition as its major principle of legitimization, Bosnia and Herzegovina did not participate in the 19th century reformist movements and must

therefore be considered as having a “belated encounter with modernity.” (Diamandouros / Larrabee 2000: 36). Besides the particular power-relations, it is necessary to mind the socio-economic patterns that might hinder democratization and the development of a vital civil society: Diamandouros and Larrabee recall that the Bosnian society has been characterized by the agrarian sector, anti-modern landowning elites and an extreme weakness of the urban sector. Even if during the communist rule from 1945 to 1989, the balance shifted to industrial production and the development of urban centers, strong regional economic inequalities still persist.

2) State/regime relationship: It is of great importance to unravel the relational patterns between society, state and regime. To understand democratization processes in the Balkans, it is necessary to stress the interconnections between „pronounced statist tradition, patrimonial rule and the late emergence of independent states as well as weak civil societies and a potential for inter-ethnic strife.“ (Pridham 2000: 12). Here too, the legacies of sultanism are necessary to understand the actual potential of civil society actors within the democratic consolidation process. Diamandouros and Larrabee stress that the „unmediated exercise of power, the absence of the *corps intermédiaire*, [...] and the potent tradition of personal subservience of office-holders and private subjects to the ruler effectively combine to undermine civil society's capacity to define itself proactively [...] *vis-à-vis* the state and to articulate a forward-looking, self-empowering sense of collective identity.“ (Diamandouros / Larrabee 2000: 31). As it has been demonstrated in chapter 1.2, in order to play a positive role in democratic consolidation, civil society is supposed to be a watchdog as regards public authorities, and an arena of interest articulation, without being alienating to the state. However, the lack of a *corps intermédiaire* leads to the assumption that any effort to consolidate democracy in Bosnia and Herzegovina would require special attention to the relationship between the state and Bosnian civil organizations.

3) Existence of hybrid regimes and transition trajectories: The Balkan's way to democracy is often characterized by the retention of power by former regime elite. In the case of Bosnia and Herzegovina, this can be illustrated by the election results of the first general elections in 1996: The criticized practice of early post-war elections (e.g. Paris 2004, Gromes 2003) restored the nationalist parties SDA (Bosniak), HDZ (Croat) and SDS (Serb) to office. Since then, Bosnia and Herzegovina has been undergoing a democratic transition that has resulted in free and contested elections. However, by the continuance of former warrant parties in office, true democratic consolidation can scarcely be identified. It can be argued that if former warrant parties would adopt democratic behaviors, they would strive for democratic and peaceful goals. Therefore, democratic consolidation theory that takes into account both structures and individual behavior

and political choices must pay attention to the civil society's potential to transform the mentalities and attitudes of the civil society, as well as those of political authorities, e.g. by providing capacity building and democratic training to both public authorities and school classes

2.2 The Bosnian civil society – opportunities and challenges

As outlined above, civil society is thought to play an important role in democratic consolidation processes. First of all, the historical preconditions of the Bosnian civil society should be questioned. This is indispensable for elaborating on the NGOs' capacities and competences, which should be promoted in order to consolidate democracy in Bosnia and Herzegovina, since “[...] the purpose of all capacity building, at the most fundamental level, is to stimulate change in attitudes and behaviour, one would expect a certain degree of complexity in its delivery, as approaches continually adapt and respond to this change.” (Sterland 2006: 47). All in all, three phases of civil society development in Bosnia and Herzegovina can be distinguished: First, the emergence of religious and nationalist organizations during the Ottoman Empire and under the Austro-Hungarian rule (until 1918); second, that of apolitical organizations and organizations adhering to the official party line during the communist era (1945 – 1989); and third, that of an urban *intelligenzija*.

According to Ismet Sejfija³, a Bosnian scholar on civil society, the earliest records of some sort of civil society in Bosnia and Herzegovina can be traced back to the late Ottoman Empire (1463 – 1878). However, these early forms of organized societal parts were exclusively religious organizations with charity objectives (Živanović 2007: 65). Under Austro-Hungarian rule (1878 – 1918), these early 'civil society' organizations expanded both in quantity and in profile. The broadening in profile meant the emergence of nationalist organizations: Serb, Croat and Muslim organizations stressing the uniqueness of their respective ethnic group (cf.: Sejfija: 1). Furthermore, the persisting influence of sultanism, which involves a strong hierarchical order, often entailed the organizations' retreat into private life: political interest articulation as well as improved state-society-relations were scarcely promoted by those religious and nationalist organizations.

A second type of 'civil society' organization emerged under communist rule starting in 1945 onwards: After the prohibition of nationalist organizations in 1948, all efforts to construct

³ The author took an expert interview with the Bosnian researcher in Tuzla (BiH) in July 2008 on the topic of civil society development in Bosnia and Herzegovina. The transcript of the interview is attached to this MA thesis.

possibilities to meet and organize were either characterized by apolitical associations such as sports or music clubs, or by organizations adhering to the official party line for the purpose of recruiting line-toeing pupils. In fact, no independent civil sphere existed: “[A]ll forms of citizens’ associations were under the strong government control, where development of independent citizens’ initiatives was impossible.” (Živanović 2007: 65) In contrast to the first generation of civil society organizations (religious and nationalist ones), where sultanism and inter-ethnic strife were the main variables, the communist organizations were driven by a strong reliance on the state and lacked a critical attitude toward authority.

Only in the 1980s did the first really independent organizations develop, in urban centers such as Sarajevo, Tuzla and Banja Luka. These civic initiatives such as the OJDI (Organization for Yugoslavian Democratic Initiatives, founded in 1985) or the Forum Građana Tuzle (Tuzla Citizens' Forum) were the first to challenge both the hierarchical social order and the (post-)totalitarian authorities. Henceforward, the first steps to develop a true civil society were made, but revived in the rural areas nationalist and ethnic organizations. The weakness of this first, authentic civil society movement appeared when nationalist forces won the elections of 1990: “Bosnia and Herzegovina is not a state of citizens, but a state of peoples.” (Živanović 2006: 35)

To sum up the historical prerequisites that help to explain the problems and challenges of the Bosnian civil society at the beginning of the 21st century, we can say: 1) The emergence of a true civil society was prevented firstly by a sultanist social order and afterwards by the control of the communist party. 2) Until the late 1980s, civil society did not develop functions such as the articulation of interests, being a critical watchdog or participation in agenda-setting. 3) Since the factual influence of civic initiatives within the political arena was so little, the awareness level – also reflected by the media - was marginal, too. 4) The lack of awareness resulted in a reluctance to get involved in civic initiatives and weakened the position of the civil society sector towards the state additionally.

The period of democratic transition overlapped with the enormous task to rebuild a war-torn country after 1995. The war on the territory of Bosnia and Herzegovina between 1991 and 1995 caused more than 100.000 deaths⁴ and an estimated number of over two million refugees⁵. The extreme number of human losses, vast material destruction (infrastructure, housing etc.) and

⁴ Official number revealed by the Research and Documentation Center Sarajevo in the study *Human Losses in B&H 91-95*. [URL: <http://www.idc.org.ba/presentation/content.htm>] (16.07.2009)

⁵ In different statistics, the number of refugees is estimated at 2.2 million people, by an overall (pre-war) population of 4 million. Included are Internally Displaced Persons as well as persons who have left the country during the war. Cf.: Worldbank (2004): *Bosnia and Herzegovina. Post-Conflict Reconstruction and the Transition to a Market Economy*. Washington. S. 1.

persistent traumatic experiences among the population impeded a fast democratic transition. Given the weakness of the Bosnian civil society, it is evident that democratic consolidation by the help of civil society organizations would require a *new generation* of NGOs. These new generation NGOs should be capable of shouldering both the tasks of reconstruction and reconciliation on one hand, and the tasks of being an arena of deepened democracy, a safeguard from governmental arbitrariness and a channel for articulation, agregation and representation of interests on the other. Consequently, the International Community⁶ invested in the 'project' of a Bosnian civil society. The hope to consolidate democracy by the help of international NGOs has however unintended consequences.

The main criticism of this new generation of NGOs reads as follows: First, the reproach of colonization (ideally and materially) by international NGOs and the International Community is made; second, the reproach of having boosted an artificial NGO sector acting under the law of 'projectomania' (Sejfija 2007: 134); and third, the reproach of having pursued one's own ambitions and self-interest instead of responding to local needs. International help to develop a Bosnian NGO sector is associated with colonization, since the conducting NGOs on the ground are depending from international donors in both material and ideal terms. Authors like Roberto Belloni accuse the international community of “an essentially top-down discourse embellished by rhetoric of bottom-up empowerment that might lead to unintended consequences of hindering rather than fostering participation.” (Belloni 2001: 174).

Furthermore, as Amer Kapetanović and Zoran-Matija Kulundžić state in a report for the German Friedrich-Ebert-Stiftung: “[...] a major limitation is the fact that donor priorities shift every six to twelve months, thus reflecting the donors own political interest more than local needs. Such frequent changes in priorities proved to have a negative impact on the long-term development of policy capacities and the necessary structures.” (Kapetanović / Kulundžić 2006: 64). According to Ismet Sejfija, the colonization by international actors is shown in an asymmetric relationship reinforcing the dominance of international actors, which “may be inappropriate to the specific socio-political and socio-cultural context” (Sejfija 2007: 135). Giovanni Scotto underlines this statement, when claiming that the priorities of reconstruction have been set by foreign agencies – and not by local people, who best know their own needs (Scotto 2004: 97).

Directly linked to the accusation of colonization is the claim of projectism. Instead of

⁶ The International Community engaged in various ways to rebuild Bosnia and Herzegovina, including official reconstruction aid (EU, IMF, Worldbank, bilateral aid), private donations and the work of international NGOs (INGOs) maintaining field offices in Bosnia and Herzegovina

pursuing a sustainable program with long-term objectives, many of the *mushroomed* NGOs were basically engaged with spending their time on short-term project applications. This aspect reoccurred in all interviews, conducted with civil society actors in July 2008. Omir Tufo (Civil Society Promotion Centre) says: “Most of the local NGOs are not program-driven, but project-driven. The International Community and donors came here to tell them to do something with the money.” Omar Filipović (Schüler helfen Leben) agrees, when saying that the main problem of the NGO sector is the financial dependency of international donors and the concentration on projects instead of programs. Nowadays, while international donors are slowly moving on to new crisis regions (Iraq, Afghanistan), those NGOs concentrated on selective projects without having a long-term organization concept and mission are not able to survive. Finally, the accusation of self-interest emerges from the fact that INGOs are also dependent, mostly on governments, but also on popular donors in their countries of origin. In order to obtain subsidies and bounties, INGOs too often just hurl themselves into action without analyzing profoundly the situation.

Given these criticisms and the structural legacies, what are the major challenges for international actors like the EU in supporting a Bosnian civil society that may contribute positively to democratic consolidation? One important aspect is to improve the state–society relations, as Ian Smillie claims. It is important “to use the political instruments at their disposal to encourage a more productive dialogue between the Bosnian government and local civil society organizations” (Smillie 2001: 33).

However, a constructive dialogue between state institutions and civil society initiatives needs to follow previously set, legal rules. The importance of a legal framework is therefore crucial. A recent study by published by Kronauer Consulting from July 2009 entitled *Civil Society. Contributions to the Development of the Strategy on Establishment of an enabling Environment for Civil Society Development in Bosnia and Herzegovina* punctuates the weaknesses and failures of the current legal framework on civil society in Bosnia and Herzegovina. Due to the nature of the Bosnian state itself – a political compromise between Serbs, Croats and Bosniaks establishing two relatively autonomous entities (Republika Srpska and the Bosniak-Croat Federation FBiH) and several sub-administrative levels (Cantons, Municipalities) – the legal framework for registration and funding differs from one place to another: “[...]it seems that such unsustainable legal situation, in which the institutional and legal framework of a country is 'dispersed' into four different administrative, territorial and political units, does not represent an entirely favourable legislative environment for stimulating their development, i.e. stimulating the development of civil society in general.” (Kronauer Consulting 2009: 9). In general, there are four superordinate laws existing for

civil society organizations⁷. Depending on where the organization is registered, it can easily be identified as a *Serb* or a *Croat* or a *Muslim* organization, which illustrates the persisting ethnic divisions. Omar Filipović also makes this reproach, saying that it is difficult for an organization registered in RS to promote reconciliation or youth exchange in the FBiH, since the NGO first has to prove its impartiality (Filipović: 5).

The elaboration of an adequate legal framework is furthermore an indicator that civil society should not be alienated from the state, but should function as part of a democratic setting. Furthermore, NGOs must obtain abilities and capabilities to articulate their interests within the political arena. This would require better networking between the different NGOs as well as the development of organizational skills and management capabilities. Certainly, in order to become an intermediary arena between state and society, sustainable funding is needed – beyond that provided by external donors. If international donors successively withdraw from Bosnia and Herzegovina, an increased need for alternative funding, rooted in a local context, develops. Goran Žeravčić stresses in a recently published study the need for transparent allocation criteria, including different forms of direct (funding, subsidies) and indirect (tax policy) funding (Žeravčić 2008: 32). Only if long-term funding is assured can NGOs contribute positively to democratization and concentrate on their information, articulation, and reconciliation tasks.

Finally, a major challenge is to assure the local rooting of these 'latest generation' NGOs. Indicators for successful contribution to democratic consolidation are, for example, the number of volunteers engaged in an organization and whether capabilities and skills are referred to the local population and local authorities. Only then will long-term objectives like the transformation of attitudes and ethnic driven behavior be realized. If, and to what extent the EU tackles these challenges within its civil society policy will be questioned in the next chapter -- that includes the empirical findings to the question, if the EU's support offered to Bosnian NGOs satisfy the challenges of democratic consolidation by civil society.

⁷ The laws on civil society are: (1) Law on Associations and Foundations of Bosnia and Herzegovina, (2) Law on Associations and Foundations of Federation of Bosnia and Herzegovina, (3) Law on Associations and Foundations of Republika Srpska, and (4) Law on Associations and Foundations of Brecko District of Bosnia and Herzegovina.

3. EU empowerment of Bosnian NGOs

3.1 The EU's double-tracked policy instruments targeting the development of Bosnian NGOs

After having confronted the theoretical assumptions on civil society's impact on democratic consolidation with the reality and the historical legacies of today's Bosnian civil society, the first question to be answered is how the EU's focus on civil society is manifest in Bosnia and Herzegovina. On a basis of a document analysis, a short overview of the different EU instruments aiming at the development of Bosnian NGOs will be given. The EU as an external actor in Bosnia and Herzegovina is believed, according to the transnationalization approach, to influence democratic consolidation process thanks to both, the greater interconnectedness with different actors (including NGOs) in Bosnia and Herzegovina, and the Bosnians' desire to join the European Union.

Especially the request for joining the EU enables EU actors to put pressure on various levels in order to get Bosnian institutions to adapt to European norms and governance mechanisms. One level is the empowerment of Bosnian NGOs, which are expected to become capable agenda-setters to conduct the consolidation of democracy from the inside of the Bosnian society. Empowerment as a first step to ownership is needed, since “it is obvious that the process of state building in the Balkans has to be accompanied by a process of society building.” (Weichert 2007: 364). The EU's attitude to empower Bosnian NGOs manifests itself above all in two dimensions: One is the (co-)funding of civil society projects and programs, and the other is the establishment of a civil society dialogue.

Even if there is a risk of international dependency, the empowerment of Bosnian NGOs still needs adequate funding. How to satisfy the need of external funding without creating a permanent dependency from international donors is crucial to the EU's **financial and technical support to Bosnian NGOs**. Funding of civil society and, respectively, capacity building programs is embedded in the *Council Regulation (EC) No. 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)*. The IPA deals with the period of 2007-2013 and replaces the former CARDS and PHARE programs. It aims to rationalize of pre-accession financial support and “enhance[s] the efficiency and coherence of aid by means of a single framework.” (EU: Instrument for Pre-Accession Assistance).

By means of *Multi-annual Indicative Planning Documents (MIPD)* and *Annual Programmes*,

the EU establishes country-specific assistance papers for the (potential) candidate countries in order to ensure the countries' integration path. One of the two priorities of the European strategy *MIPD 2007-2009 for Bosnia and Herzegovina* “will be the support for Bosnia and Herzegovina's civil society.” (MIPD 2007-2009: 8). This priority is justified since civil society is seen as an intermediate arena that might influence and initiate reform processes in Bosnia and Herzegovina even if today, the relationship between civil society and the political authorities in Bosnia and Herzegovina is suffering from a lack of trust. Therefore, the EU declares: “A permanent dialogue between authorities and the civil society is developed and NGOs and their coalition partners improve their internal communication and become better 'watchdog' and also stronger partners of the Government.” (MIPD 2007-2009: 14). Under the IPA, concrete steps in funding a sustainable civil society have been made. Additionally, a *Project Fiche – IPA Annual Action Programme 2007 for Bosnia and Herzegovina 'Capacity building of Civil Society to take part in policy dialogue'* was passed, allocating 1.5 million euros to Capacity Building programs in 2007 to Bosnian NGOs. The program is implemented by the EC Delegation to Bosnia and Herzegovina, which is working on-site with Bosnian NGOs. The indicative budget of 1.5 million euros aims at developing those skills perceived necessary to contribute positively to democratic consolidation. Among others, the activities comprise a) supporting NGO coalitions in developing skills in policy analysis and formulation; b) strengthening NGO networks defined by common interest groups; c) initiating a knowledge transfer from stronger to weaker NGOs; and d) assisting watchdog activities (*IPA Project Fiche Capacity building of Civil Society to take part in policy dialogue: 9*).

Besides the Project Fiche dealing with civil society development, the so-called **Civil Society Facility Program (CSFP)** was established in 2007, with a commitment to increase the budget addressed to Bosnian NGOs engaged in democratic consolidation. The CSF is divided into two parts, one **Multi-beneficiary programme** with a regional and sector-based focus, and one **National Programme** with a geographical focus on one particular country. The regional Multi-beneficiary programme for 2008 provided 13.8 million euros to Technical Assistance (8 million euros), 'People 2 People'-Programmes (2 million euros) and Partnership Actions¹ (3.8 million euros). The National Programme for Bosnia and Herzegovina allocated 3.5 Mio Euro for capacity building of Bosnian NGOs – implemented by the EC Delegation and the UNDP (DG Enlargement CS Working Group 2008: 4). Within the CFP National Programme for Bosnia and Herzegovina, the priority “is to improve the mechanisms of municipalities to provide small grants to CSOs on the local level.” (Interview Edelmann 2009).

¹ The 'People 2 People' Programme supports visits to EU institutions and bodies by groups with influence over decision-making and society; the Partnership actions are meetings carried out between CSOs in beneficiary countries and EU.

The second, non-financial dimension of European support to Bosnian NGOs is the establishment of a **civil society dialogue**, which is a prerequisite for all cooperation between EU actors and civil society actors. Therefore, parallel to the CSF, the EU has initiated in 2007 a dialogue with civil society actors which culminated in the conference on *Civil Society Development in Southeast Europe: Building Europe together* held from April 17 to April 18 2008 in Brussels². All in all, 13 Bosnian NGOs participated in this conference and met with NGOs from other Western Balkan countries and EU officials to exchange points of view and broaden their networks. Certainly, the main dialogue between Bosnian NGOs and EU officials takes place continuously and in an informal way. These informal meetings are of crucial importance for both the EU and Bosnian NGOs. Whereas the conference on *Civil Society Development in Southeast Europe* was mostly attended by well established NGOs³, the informal meetings aim to include more NGOs. To that purpose, NGOs are invited to come to Brussels to meet with officials from the DG enlargement and to bring forward their concerns. According to Rebekka Maria Edelmann from the DG Enlargement, this aspect is very important: “Normally they [*the Bosnian NGOs*] approach us as the Commission to tell us 'we have a problem in BiH in this field, this is what the situation was like in the last year.’” (Edelmann 2009).

At the level of the European Parliament, relations between MEPs and civil society actors are enforced by mutual visits. For example, members of the Delegation for Relations with SEE travelled to Bosnia in April 2009 in order to talk about EP resolutions with civil society representatives and “discuss with them the best way to revive and take part in the necessary constitutional reform and overall European integration process of the country.”(Mazzi-Zassis 2009). The feedback obtained within these exchanges is reintroduced in the elaboration of future resolutions, e.g. on a better inclusion of civil society organizations and claims for better training and capacity building instruments (resolution of 24 april 2009 on the situation in Bosnia and Herzegovina⁴.) The policy dialogue with, on one hand, Bosnian NGOs coming **to Brussels** and articulating their needs (financial assistance, capacity building) and on the other hand, with EU officials being informed **in Bosnia and Herzegovina**, is of interest for both sides. Since capacity building only leads to the

² For more information see the Conference's homepage: [URL: http://ec.europa.eu/enlargement/civil-society-development/conf_17_18_docs_en.htm] (29.07.2009)

³ The following Bosnian NGOs and institutions took part in the conference on *Civil Society Development in Southeast Europe*: REC Bosnia and Herzegovina, Centre for Security Studies, Foundation of Local Democracy, International Commission on Missing Persons (ICMP), Ministry of Justice B&H, Transparency International Bosnia and Herzegovina, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Research and Documentation Center, DVV-International, International Multireligious Intercultural Center, NGO GARIWO Sarajevo, Partnerships in Health and Populari. [URL: http://ec.europa.eu/enlargement/civil-society-development/organisation/candidate-and-potential-candidate/bosnia-and-herzegovina_en.htm] (25.08.2009)

⁴ URL: [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0332+0+DOC+XML+V0//EN&language=EN>] (25.08.2009)

desired result with input from NGOs, Brussels' officials depend on the visits from Bosnia and Herzegovina. In addition, capacity building aims at local ownership – therefore, it is important for EU officials to travel to Bosnia and Herzegovina to get a direct impression of the routine work of Bosnian NGOs.

3.2 Empirical findings on the EU's policy to empower Bosnian NGOs as stabilizer of democracy

The double-tracked orientation (financial and non-financial) of European support to Bosnian NGOs aims at a single-tracked goal: namely, the development of a sustainable civil society capable of being a significant (political) force in Bosnia and Herzegovina in order to consolidate the democratization process and to back reform processes necessary for any further EU integration. In accordance with the interactive approach to democratization, civil society actors are expected to contribute positively to democratic consolidation. Among the most important contributions are deepening democracy (including volunteering and political participation), the role of being a safeguard from governmental arbitrariness, being a channel for articulation, aggregation and representation of interests, and supporting long-term changes in structures and democratic patterns.

In order to respect the historical and cultural structures of Bosnia and Herzegovina, the civil society's potential to contribute to democratic consolidation must be held against the background of pronounced sultanist power-relations, the lack of trust between society and regime, and the belated emergence of civil society organizations. If the different instruments provided by the EU – financial and technical assistance under the IPA and the CSFP, and the initiation of a civil society dialogue – meet the challenges mentioned above, must be checked. Therefore, empirical findings will be presented that give an answer to the following questions: Do the European policy instruments tend to improve those NGO abilities, which are necessary for positive contributions to democratic consolidation? Which role does the Bosnian civil society actually play in Bosnia's democratic consolidation process? Does the EU play a significant role in civil society capacity building?

3.2.1 Note on methodology

The empirical testing of the previously proposed questions is composed of two kinds of

data. One set of the data is *expert interviews with relevant EU actors*, i.e. with a representative of the EU DG Enlargement, *Rebekka Maria Edelmann*, and with a European Parliament Administrator of the Directorate General External Policies of the Union, *Sabina Mazzi Zisis*⁵. The selection of the two experts is justified by the role that the two EU institutions – the EU Commission DG Enlargement and the European Parliament's Unit External Policies of the Union – represent, as regards policy formulation, budgetary power and non-financial assistance to potential candidate countries. In this vein, the **DG Enlargement** prepares the annual progress reports on the (potential) EU candidate countries. Additionally, it functions as the initiator for conferences such as the *Civil Society Development in Southeast Europe: Building Europe together Conference* in April 2008, and hosts Bosnian NGO delegations coming to Brussels in order to discuss with the Commission.

The **European Parliament's** principal task is to fix, in cooperation with the Council, the budget for the EU's external affairs and enlargement, amongst them the IPA budget, which is again scrutinized by the European Parliament. Furthermore, the European Parliament's self-perception⁶ as an institutional body to promote democratic values and participative democracy involves capacity building of both governmental institutions and civil society as regards a better connection between these two arenas. Both interviews were recorded in July 2009. Both interviews are **semi-structured** in order to guide the interviewees to obtain answers to the previously established research question, but also to leave sufficient room for unpredicted information concerning the EU's perception of civil society capacity building in Bosnia and Herzegovina. The overall objective of the interviews is to gain insight into the impressions and actual effects of the EU's double-tracked civil society policy. Have concrete results been achieved by the EU programmes, and do Bosnian NGOs as a consequence perform as stabilizing forces in terms of democratic consolidation? Are the EU actors content with their role in supporting the development of the Bosnian NGO sector?

The second data set consists of findings that result from an **online survey** entitled **Capacity Building and Civil Society Development in Bosnia and Herzegovina**, which was posted on the Net between July 7, 2009, and July 31, 2009. Those surveyed were **Bosnian NGOs** of all types (political NGOs, environmental NGOs, social and economic development NGOs, educational NGOs, minority NGOs), operating in all parts of the country (i.e. from the Republika Srpska and from the Muslim-Croat Federation FBiH). All in all, 130 NGOs have been invited to take part in the online survey⁷.

⁵ The interviews can be found in the annex of this paper.

⁶ Cf: Interview Sabina Mazzi Zisis.

⁷ The addresses of the 130 NGOs were taken from a Mapping Study of the EC Delegation to Bosnia and Herzegovina, which was

Finally, 15 NGOs responded in detail to the questionnaire⁸. Given the small sample size, the conclusions cannot be generalized as such. However, the NGOs' variety in terms of activity, size and geographical area assures a certain degree of representation. Most of the NGOs are working in the field of Education and Youth (9), followed by NGOs being active in the field of Economic and Social Development (6), Democratic Stabilisation and Democracy Promotion (5), Minorities (4) and Environment (3)⁹. The organizations' size varies from those with only 5 full-time and part-time employees to those with 48 full-time and part-time employees.

The questionnaire is also *semi-structured*, composed of four distinct parts. The first part requires general information about the NGO (name, date of establishment, members etc.); the second part asks to assess the actual condition of Bosnian civil society; within the third part questions are raised concerning experiences with capacity building programs; and finally the knowledge about and experiences with EU programs is dealt with. The online survey has multiple objectives. One aim is to countercheck the EU's self-assessment as regards its engagement with Bosnian NGOs; i.e. to see if the EU's civil society policy really has an impact on the development of Bosnian NGOs. Another aim is to extract the actual challenges of the Bosnian NGOs as regards their impact on democratic consolidation. The process of describing and analyzing the empirical findings follows a certain schema in which, as a start, certain indicators have been defined.

3.2.2 Definition of Indicators

The selected indicators must fulfill several conditions in order to give answers to the research question *'to what extent does the EU's support offered to Bosnian NGOs satisfy the challenges of democratic consolidation by civil society?'* First, the indicators must supply information on the civil society's impact on democratic consolidation. This includes determining whether the weak points of Bosnian NGOs¹⁰ as regards their potential to contribute positively to democratic consolidation, are addressed. The historical legacies and cultural prerequisite elaborated on in chapter 2 are taken into account. Second, the indicators must supply information on the EU's role within the process of developing the Bosnian civil society. Which impact do the EU's policies – financial and non-financial – have on the Bosnian NGOs? It is looked at the Bosnians knowledge about the possibilities to approach the EU as regards the civil society dialogue, informal

conducted between 2002 and 2005. All NGOs have been invited by personalized emails.

⁸ The questionnaire as well as the individual answer sheet can be found in the annex.

⁹ Multiple Answers were allowed.

¹⁰ Inter alia, those weak points are: lack of trust between state authorities and civil society; underdevelopment in terms of organizational and financial capacities; dependency from international donors and consequently, alienation from the local population.

meetings, and project funding. Accordingly, this second condition deals with the issue of the EU's role and policy adequacy to support the development of a sustainable Bosnian civil society. Based on these considerations, indicators within three domains are defined. As it has been illustrated in the introduction, no country-specific benchmark for Bosnia and Herzegovina exist to this day. However, the benchmarks for successful civil society development in other Southeast European countries – Serbia, Montenegro, Macedonia, Kosovo and Albania – which are elaborated on in the annual EU's Progress Reports can serve as a model for the Bosnian civil society development due to the similar cultural and historical prerequisites of the country. These benchmarks are: (1) environment (legal and financial) in which CSOs operate; (2) capacities of CSOs, especially advocacy; (3) networking; (4) existence of mechanism of dialogue with focus on the government; and (5) information and financing transparency (BCSDN 2009: 2). What is the Bosnian NGOs perception as regards these criteria? Do the European policies help to overcome difficulties in the different fields?

1) Local embeddedness

The NGO's degree of local embeddedness is significant for its potential to contribute positively to democratic consolidation. This category is directly linked to the benchmark of capacities of CSOs, especially advocacy, since an NGO can only act as an advocat for the population's interests, if it is close to the citizen. In order to constitute an intermediate arena that facilitates self-expression and identification, the Bosnian NGOs must create a level close to the citizen. According to the interactive approach to democratization, NGOs are crucial to transform clientelism to citizenship, which is most important at the local level, since it is there that “the social foundation for national patron-client relations” lies (Diamond 1999: 244). Only locally embedded NGOs can cultivate democratic behavior and attitudes among citizens and state authorities, and transform cultural settings. The online survey question #7, if the NGO is locally rooted, serves as a basic indicator for local embeddedness. Furthermore, the degree of local embeddedness is reflected by the number of volunteers, who are involved in the NGO's work.

A similar indicator of the local rooting of an NGO is whether the NGO provides municipal bodies, schools, and other groups with capacity building measures. This aspect is crucial for the long-term approach of transforming structures and cultural settings that have formerly been obstructive to democratic consolidation, such as the abolition of ethnic hatred. As regards the EU's impact on local NGOs as democracy stabilizers, further categories are examined. In order to see if the EU's diverse policies for civil society development increase the local embeddedness of NGOs, it

is ascertained which NGOs (international or local ones) receive financial and non-financial aid from the EU. Another indicator is the Bosnian NGOs' awareness level concerning the EU's disposition for civil society dialogue. Only if the EU policies are known to Bosnian NGOs, the Bosnian NGOs are capable to participate in EU programs and apply for EU funding. Consequently, only if the EU policies are made use of by Bosnian NGOs, the EU policies may have an impact on civil society's development.

2) Institutionalization in legal and financial terms

The NGOs' institutionalization in legal and financial terms is important because it indicates the way in which state-society relations are shaped in a country. As has been shown, a civil society that contributes positively to democratic consolidation needs to be independent from the state, but it should not be alienated from it. Therefore, NGOs must be embedded in a legal framework and follow certain rules. Only if the state-society relations are constructive can criticism be articulated by NGOs, at which point state authorities may be willing to adopt NGOs' propositions and incorporate them in political reforms.

In order to meet their information and watchdog tasks, NGOs must have access to governmental and official documents. For that reason, one important indicator is the NGOs' perception of the cooperation with local or national political authorities (question #8). The relationship between NGOs and state authorities is also of interest for the EU. Consequently, to what extent the EU institutions, i.e. the European Parliament and the Commission, may improve the relationship between state and civil society in Bosnia and Herzegovina is analyzed. The EU's impact on the institutionalization of Bosnian NGOs is questioned. But cooperation between state and NGOs implies more than dialogue. In order to become a sustainable, intermediary between the state and private life, NGOs must rely on a broad financial basis. Therefore, question #5 asks for the nature of funding, including one category labelled 'funding by municipality / entity / state'.

3) Organizational and networking capacities

Organizational and networking capacities are important indicators for the civil society's potential to contribute positively to democratic consolidation, because only if an NGO possesses management and organizational skills can it pursue long-term objectives and become established. That is why attention is paid to the questions if and in which field the NGO has received capacity building (question #11, question #12I). The better the NGO staff is trained, the greater their organizational capacity, and, consequently, the bigger the potential impact on community

development, including democratic consolidation. Furthermore, the previously mentioned risk of a hyperactive civil society, which may even harm democratic consolidation, is moderated if NGOs pursue common policies with others, i.e. if NGOs align with common interest NGOs. NGO networking concentrates topics of common interest. NGO networks may thus become serious negotiating partners when it comes to lining up institutional, economic or social reforms in Bosnia and Herzegovina.

3.3 Intermediate experiences of civil society capacity building in Bosnia and Herzegovina

3.3.1 Local Embeddedness

Out of 15 NGOs surveyed, 14 said that they were rooted in a local context. The term 'local context' was further specified by examples such as working in cooperation with grassroots organizations or schools. The high score of local working NGOs points out that 14 years after the end of the civil wars in Bosnia and Herzegovina, most NGOs attempt to work at a level close to the citizen.

Having been formerly confronted with the reproach of alienating the Bosnian people, the 'mushroomed NGO landscape' seems to have gained ground in local surroundings. This observation is fortified by the numbers of volunteers involved in the surveyed NGOs. 11 NGOs specified that they had at least one volunteer working in their organization, whereas the numbers of volunteers ranged between 1 and 300¹¹. Given the initially somber situation concerning voluntary work in Bosnia and Herzegovina¹² (which results from the already mentioned historical legacies of civil society in general, and from the difficult economic circumstances in the post-war period), the increasing numbers in volunteering give reason to appreciate the NGOs' impact in variegating municipal life. Furthermore, high numbers of volunteers indicate that the Bosnian NGOs are on their way to functioning as a level of interest agregation and interest articulation, which is important for democratic consolidation in third wave democracies. Only if citizens can identify with the organization's policy and objectives will they be motivated to get involved in the NGO's work

¹¹ The variation in volunteers' numbers is at least partly due to the NGO's size in general. The more regular employees an organization has, the more professional the organization works, the more probable it is that volunteers are involved, since the involvement of volunteers needs a well-organized NGO structure and specific training methods.

¹² The Independent Bureau for Humanitarian Issues (IBIH) in Bosnia and Herzegovina, which actively promotes NGO development since 1995, published in 1999 a study dealing with the volunteering in Bosnian NGOs. The conclusions of the study *VOLUNTARY WORK AND VOLUNTARY GIVING. Case Study: NGO Sector of Bosnia and Herzegovina* were rather sceptical about the Bosnian civil society's future, since volunteering did not at all figure as backing to the emerging NGO sector. The study can be downloaded from the IBIH's homepage: [URL: <http://www.ibhibih.org/>]

and to articulate their interests within an institutionalized framework. The positive role that civil society may play within democratic consolidation is further stressed by the high number of volunteers – at least if the NGO avows values of democracy, non-violence and tolerance. Then, the organization may function as a school for democracy at the local level, and finally, virtues are passed on to others, especially by the volunteers.

The last indicator of local embeddedness is the NGOs' performance in providing capacity building measures as regards management and technical skills or advanced training for volunteers. 12 NGOs said that they were providing capacity building to others in a local context. Most of the capacity building activities were linked to cooperation with other NGOs and civil society actors (9), followed by capacity building of governmental organizations, municipality representatives and ministries (7). Capacity building measures provided to teachers and schools ranked third (3). The transfer of management, technical and non-violent skills to both, to the local population and to public authorities illustrates the impact that Bosnian NGOs today have on democratic consolidation. It provides an indication of the additional benefit of the NGOs' work in local surroundings and emphasizes the development of a true intermediate arena between the state and the private life.

What is the EU's impact on the development of locally-rooted Bosnian NGOs? As regards the financial aspects of European civil society policy, the question is: Which NGOs have access to the European funding under the IPA and the *Civil Society Facility Program (CSFP)*? When it comes to apply for EU funds, two settings are striking. First, the fundings created under the IPA (Technical Assistance, People-2-People-Program, Partnership Actions) are mainly aiming at big projects. The common call-for-proposal procedure requires thorough knowledge of how to apply for project funding – often, smaller and local NGOs do not have this knowledge. Rebekka Maria Edelmann (DG Enlargement) admits that there is a dilemma, when it comes to include local NGOs in the IPA funding: “The problem is that really small NGOs will probably not benefit from the program because it is a simple question of managing. [...] We do not have the capacities in terms of staff to work with all small NGOs. This is one reason why cannot go for very small grants with IPA.” (Edelmann 2009).

Most often, the projects financed under the IPA have a thematic focus. In 2008 this focus was on “strengthening NGOs in the field of environmentalism as well as a specific focus on NGOs being active in the fight against corruption.” (Edelmann 2009). By definition, a thematic focus, which might be necessary for a targeted approach to civil society development, excludes a major

part of local NGOs, which are often engaged in more than one field¹³. An intermediate evaluation of the IPA funding leads Sabina Mazzi Zisis (European Parliament) to the conclusion, that under the IPA, “the main part is spent by INGOs.” (Mazzi Zisis 2009). Therefore, the EU's financial impact on local NGOs could be said to be marginal.

However, there is a second setting concerning the EU's financial impact on civil society that takes into account local initiatives and their role in democratic consolidation. Under the CSFP, a project called 'Reinforcement of Local Democracy' was created, that should empower local NGOs and other civil society actors. Implemented in cooperation with the UNDP, the major target of this 3.5 Mio Euro program (2007-2009) is “to improve the mechanisms of municipalities to provide small grants to CSOs on the local level.” (Edelmann 2009). Yet one reservation must be made. The money is not directly given to NGOs, but implemented in different ways: “The money goes to UNDP, which then implement it on the local level.” (Edelmann 2009). Indeed, the principal aim of the 'Reinforcement of Local Democracy' program “is to encourage between 20 and 30 municipalities to adopt more transparent and EU like budgetary procedures for allocation of local funds to local NGOs.” (Mazzi Zisis 2009).

As regards the non-financial support to Bosnian NGOs within the civil society dialogue, the question is which NGOs benefit from the EU's offer to meet with EU representatives in Brussels. In principle, every Bosnian NGO has the opportunity to come to Brussels and to meet with the DG Enlargement. According to Rebekka Maria Edelmann, the regular visits from NGOs are the most important aspect in the EU's engagement with the Bosnian civil society. However, since “the international NGOs have better contacts, they have head offices here in Brussels, they are better linked to us.” (Edelmann 2009). Even if the exact number of local Bosnian NGOs travelling to Brussels is unknown, it is likely that the NGOs that benefit the most from the civil society dialogue are either INGOs (such as Transparency International) or highly professional Bosnian NGOs operating nationwide. The EU's link to locally embedded NGOs happens via the EC Delegation to Bosnia and Herzegovina, whose task is to explain EU policies to local NGOs and to inform them about the European civil society dialogue and sector-based cooperation at the European level.

The EU institutions express a certain satisfaction as regards the civil society exchanges, since “we have a lot of input.” (Edelmann 2009). Though, the surveyed Bosnian NGOs did not contribute to this civil society input at the European level. Even if 9 out of 15 NGOs were aware of the existence of the civil society dialogue, only 4 NGOs participated actively. Certainly, the EU's

¹³ 7 of the 15 surveyed NGOs stated to work in more than one field, e.g. in the field of democratic stabilization and democracy promotion, in the field of economic and social development, in the field of education and youth, and in the field of minority rights.

offer to meet with NGOs is of interest for the locally embedded organizations. 11 NGOs indicated that they would like to participate in future meetings – the procedures how to organize these meetings were however not obvious. As long as the locally embedded NGOs do not have continuous talks with European representatives, the EU's impact on the Bosnian civil society is suboptimal. Of course, it seems to be impossible to invite all Bosnian NGOs to Brussels. In order to increase the EU's impact on locally rooted NGOs and support them to contribute positively to democratic consolidation, the EU plans to open a national office that help small NGOs with project applications, “in order to focus on the local aspects of civil society.” (Edelmann 2009). Another, less costly possibility of getting in touch with local NGOs would be to inform oneself in Bosnia and Herzegovina. Regular travels are for example organized by the European Parliament's Delegation to Southeastern Europe, the latest was in April 2009 with “the purpose to present the latest EP resolution to the representatives of civil society and discuss with them the best way to revive and take part in the necessary constitutional reform and overall European integration process of the country.” (Mazzi Zissis 2009).

3.3.2 Institutionalization in legal and financial terms

What is the Bosnian NGOs' impression on cooperation with public authorities? Only if the relationship is of mutual confidence can civil society positively contribute to democratic consolidation. The question *How is the cooperation with local (or national) political authorities?* was only answered by one NGO with very good (score 5). The majority (7 NGOs) said that cooperation was insufficient (score 3), 3 NGOs even said that it was bad (score 2).

The difficult state-society relations explained earlier still persist. Even if a healthy mistrust of state and local political authorities is necessary in order to act as a critical watchdog, long-term changes in attitude and democratic behavior would require the commitment of political actors to cooperate with civil society. The risk of being alienated from the Bosnian state and its different institutions on the municipal, entity, and state levels might decrease the Bosnian NGOs' positive impact on democratic consolidation. Only if the relationship between NGOs and governmental bodies is shaped by cooperative attitudes do the NGOs' proposals (e.g. on better legal and institutional frameworks) have a chance to be picked up by the government.

As illustrated in chapter 2.2, the current legal framework for NGOs discriminates against organizations due to their origin and location of registration. In order to improve the legal status of NGOs, concerted efforts would be necessary to harmonize the existing legal frameworks.

Therefore, better cooperation between NGOs through networking and a constructive dialogue with policy makers would be crucial. Today, the articulation of interests within the political arena is still difficult for the Bosnian NGOs. Consequently, 8 NGOs claimed in the open question *'What is the most urgent challenge for the development of a sustainable civil society in BiH?'* to establish a better partnership between government and civil society, or to encourage the participation of civil society in the policy-making process, when it comes to improve the existing legal framework.

What is the EU's reaction as regards the relationship between the Bosnian civil society and the Bosnian state authorities? The EU institutions are aware of the difficult relationship between Bosnia's political authorities and the Bosnian civil society. Furthermore, the request for a better institutionalization of civil society and the NGOs' involvement in the political process is of special interest for the EU: In the event of Bosnia and Herzegovina's EU accession, it would be advantageous if the Bosnian state had already tested EU-like governance models, which comprise the involvement of NGOs within the political process.

To push the Bosnian institutions for better cooperation with local NGOs, the European Parliament adopted several resolutions¹⁴ on Bosnia and Herzegovina, in which the Bosnian legislative bodies are beholden to include civil society actors in the political process. The European Parliament pursues "constant promotion of democratic values when it comes to promotion of participative democracy and support to programmes and projects which will build capacity not only of civil society in Bosnia and Herzegovina, but also of governmental institutions on how to involve civil society in decision and policy making processes." (Mazzi Zisis 2009). However, as long as the European Parliament's recommendations are not legally binding -- i.e. are not a pre-condition for further EU accession talks -- the pressure on the Bosnian government might be inefficient.

On behalf of the European Commission, the balancing act is on the one hand to empower the Bosnian NGOs, and not to harm the Bosnian authorities on the other. According to the DG Enlargement, the priority must be negotiations with the Bosnian political authorities, because only the Bosnian politicians can achieve progress in terms of EU accession. Whereas the European Parliament tries directly to bring the Bosnian authorities to cooperate with the NGOs, the DG Enlargement pursues two distinct lines of improving the NGOs' situation as regards the relationship with political authorities. On one hand, the information obtained during the NGO

¹⁴ Cf: European Parliament Resolution of 24 April 2009 on the situation in Bosnia and Herzegovina URL: [\[http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0332+0+DOC+XML+V0//EN&language=EN\]](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0332+0+DOC+XML+V0//EN&language=EN)

meetings is included in the annual Progress Report on Bosnia and Herzegovina, which is the crucial document for further negotiation talks with the Bosnian state: “Normally they [the Bosnian NGOs] approach us as the Commission to tell us 'we have a problem in BiH in this field, this is what the situation was like in the last year.'” (Edelmann 2009). On the other hand, the Commission tries to avoid any bypass of the Bosnian authorities, since in their point of view, the EU institutions “have to cooperate with the authorities, there is no other option.” (Edelmann 2009).

Another indicator for the Bosnian civil society's potential to contribute positively to democratic consolidation is the degree of its institutionalization in financial terms. The interest was to see if the surveyed NGOs rely on a broad range of sources of finance. The question *Is your organization funded by...?* resulted in the following picture: 11 NGOs were funded by external donors, 3 were supported by the EU, 9 NGOs received additional funds from governmental bodies (municipality, entity, state) and 8 NGOs claimed to finance themselves – at least partly – in a sustainable way. The institutionalization in financial terms can therefore be described as satisfactory.

Today, Bosnian NGOs do not solely depend on external donors, which is important in order to build a genuine Bosnian civil society. The relatively high number of NGOs receiving additional funds from governmental bodies can be seen as a sign that – despite the NGOs' complaint about difficult relationships with political authorities – Bosnian civil society is becoming more and more established as an intermediate sphere between the macro and the micro level. In the best case, the EU's future role in supporting financially Bosnian NGOs will differ from the past principle of indiscriminate all-round distribution, and instead concentrating on structure-based funding, for example for environmental projects. This, however, is only possible if the Bosnian NGOs open up further sources of finance, including cooperation with the (local) economy. Only if the Bosnian NGOs have financial security can long-term projects be established, and the organizations continuously contribute to democratic consolidation. Otherwise, most of the time would be spent on funding applications, and the actual role of interest aggregation and articulation, of being a watchdog, and of deepening democracy might be neglected.

3.3.3 Organizational and networking capacities

It is important to know whether Bosnian NGOs are capable of organizing themselves before evaluating their capacity to consolidate democratic processes. As has been illustrated, in the post-war period, Bosnia and Herzegovina was characterized by a weak, if not absent, civil society.

Therefore, in order to see if the Bosnian NGOs have meanwhile caught up with management, technical and stakeholder skills, the question was posed, if the Bosnian NGOs have received capacity building measures. 11 NGOs indicated that they had received capacity building measures, mostly in the field of management (11), followed by training in how to apply for funds and how to improve stakeholder relations (9) and in the field of technical skills (7). Most capacity building was reported by international NGOs.

The EU institutions did not actively step in as regards capacity building measures. However, by supporting different international NGOs, which, for their part, provided training to local NGOs, the EU has an indirect impact on capacity building. The EU institutions consider themselves as being an intermediary between civil society organizations from the EU and from Bosnia and Herzegovina: “In addition, the transfer of know-how from the EU civil society would also be crucial.” (Mazzi Zissis 2009). This appeal to European NGOs to get in touch with Bosnian NGOs could turn out to be more assertive, if financial incentives for the western NGOs to transfer know-how from EU member states to Bosnia and Herzegovina are given. One attempt to initiate the inter-NGO connections are the sector-based meetings, which are arranged under the umbrella of the CSFP, known as Partnership Actions. In order to improve the democratic and organizational performance of the NGOs, exchanges between organizations coming from the Western Balkan countries and from the EU are promoted. The idea of this program, which disposes of a 3.8 Mio euro budget, is “first to interlink organizations from the region, not only from one country, with partner organizations in the member states.” (Edelmann 2009). Before participating in the sector-based exchanges, a Bosnian NGO has to team up with other NGOs from the same sector, e.g. with other organizations working in the field of anti-corruption.

Finally, the idea of networking is promoted by the program. What is more, 2 of the surveyed NGOs said that networking is one of the most important challenges to achieve sustainability within the Bosnian civil society. NGOs might have a bigger impact on public authorities if they bring their concerns forward in a concerted way. Today, however, networking is only at the very beginning in Bosnia and Herzegovina, also because of former competition for funding, etc. One of the most important Bosnian NGOs in the field of democratic stabilization, the Research and Documentation Center Sarajevo, explains: “There are divisions of CSOs in Bosnia and Herzegovina along ethnic and other lines which have to be overcome. There has to be unity in the civil sector when talking about respect for human rights and freedoms. This unity so far does not exist.” (Research and Documentation Center Sarajevo, quoted from the online survey). The challenge of creating better networking is being met by the EU. Under the IPA 2007-2010, one of

the principal objectives is the promotion of networking of NGOs by sector. Therefore, the “main incentive will be a grant scheme for NGOs' networks under IPA 2009 where only NGOs' networks will be eligible to apply” (Mazzi Zisis 2009).

Summary

To summarize, several findings can be identified for the research question *to what extent the EU's support offered to Bosnian NGOs satisfy the challenges of democratic consolidation by civil society*. A first conclusion is that the Bosnian NGOs, at least those that took part in the online survey, are on the way to becoming consolidated forces in Bosnia and Herzegovina. The abilities necessary to positively influence democratic consolidation are strengthened by the help of various capacity building measures. The surveyed NGOs are almost all embedded in a local context, they experience recognition among the local population (high numbers of volunteers) and they assume democratic responsibility when transferring capacities to schools, other NGOs and even municipal bodies. Meanwhile, the sources of finance are rather broad, which is important in order to become sustainable, and not project-driven, organizations. All of these positive developments are signs of increasing potential of Bosnian civil society to consolidate democracy.

The assessment of the EU's role within the process of NGO empowerment should take into account different findings. First, the EU's focus on (financially) supporting networks and sector-based projects is important to advance the development of the Bosnian civil society, which, in order to get its voice heard, must act in a concerted way. However, the concentration on NGO networks might exclude smaller, genuine Bosnian NGOs. Also in non-financial terms, smaller NGOs do not benefit from the EU's civil society dialogue. Since the information obtained during these informal meetings with Bosnian and international NGOs working in Bosnia and Herzegovina is included in the annual Progress Reports, there is a danger that the most urgent problems of those NGOs doing the groundwork are not being heard. The EU institutions proved to be aware of this risk of excluding smaller, local NGOs, and follow a parallel local approach with the 'Reinforcement of local democracy' program that is implemented in cooperation with the UNDP. If and to what extent the smaller NGOs are constructively supported by national offices and the reinforcement of local democracy program remains to be seen.

However, the principal criticism indicated by the empirical findings is that of the

persistently difficult relations between Bosnian NGOs and the Bosnian authorities. Resulting from particular historical legacies, the mutual mistrust impedes the development of a constructive, yet critical relationship between civil society and the state. But constructive state-society relationships are fundamental when it comes to consolidation of democracy by civil society actors, regardless of whether it concerns the aggregation and articulation of interests, or the civil society's watchdog function. As regards the problematic relationship between the state authorities and civil society organizations, the EU has not provided adequate solutions. In fact, the EU institutions are in a difficult situation. On one hand, in order to have a real impact on the positive development of Bosnian civil society as an intermediate arena, it would be important to align with the NGOs and to exert pressure on the Bosnian authorities to adopt a more favorable legal framework for civil society development. On the other hand, however, the EU institutions are aware of the actual balance of power between official Bosnian authorities and the Bosnian civil society. When it comes to making decisions about further EU integration, the European institutions are obliged to negotiate with the Bosnian government. Any support offered to the Bosnian NGOs must therefore take care not to harm the Bosnian political authorities. However, since Bosnia and Herzegovina wish to join the European Union, and not the other way around, the EU could exert stronger pressure when it comes to improving, for example, Bosnia's legal framework on civil society. In this vein, political conditionality as an oft-tested instrument could lead the Bosnian government to reform the legal and financial framework and improve its relationship with civil society actors – at least on paper.

Conclusion

On the basis of the interactive theory on democratization, the present paper accentuated that civil society is an important factor to consolidate democracy in Bosnia and Herzegovina. In today's academic debates on democratic consolidation, civil society is perceived to play a crucial role when it comes to form an intermediate body that aggregates and articulates the interests of the population vis-à-vis the state and its institutions. Democratic consolidation requires not only the existence of a vibrant civil society that relies on civic virtues such as tolerance, non-violence and civility, but also the people's and the authorities' commitment to these virtues.

Especially in countries with unfavorable historical and cultural prerequisites for democratization, including pronounced statist traditions with sultanist power-relations, a low level of socio-economic development and the retention of power by non-democratic forces, democratic consolidation may only succeed in the long term. 14 years after the end of the civil war, Bosnian civil society is emancipating itself bit by bit from passive to influential actors, claiming better legal and financial frameworks, and making their voices heard. Today, more Bosnians are engaged in volunteering than a few years ago, NGOs are widely spread over the country, and authentic Bosnian NGOs develop steadily their organizational skills. Capabilities in terms of management, technical skills and further training methods have been enforced by specialized capacity building measures, most often provided by international or European agencies and INGOs. The EU recognizes the positive impact that Bosnian civil society has on democratic consolidation and supports the NGOs with financial and non-financial aid. By allocating long-term, sector-based funds, the financial support of the EU satisfies the needs of Bosnian civil society that must professionalize and specialize its fields of activity instead of applying randomly to project-bound funds.

However, the EU's support offered to Bosnian NGOs does not completely satisfy the challenges of democratic consolidation. Most of the Bosnian NGOs complain about unsatisfactory cooperation with the local and political authorities, and the NGOs' ability to participate actively in political processes is still limited. It is obvious that better cooperation with the political authorities and mutual trust will only be attained if governmental and administrative bodies are willing to talk to NGOs and to take their concerns seriously. This requires – besides financial and legal support – a new paradigm for goal-setting. Therefore, an integrated European approach to Bosnia and Herzegovina has to include institutional reinforcement strategies. Only if Bosnia and Herzegovina advances as a functioning state does a vibrant civil society have meaning. Without a functioning

state, there is no one to be addressed, and all political, economic, and social concerns will remain unheard. It is in this respect that the EU must refine its civil society policies, including as regards political conditionality. `

Conversely, if the EU does not continue an integrated approach that simultaneously supports the Bosnian civil society and obliges the Bosnian state authorities to improve their legal and financial frameworks on NGOs as well as their attitudes towards civil society actors, democratic consolidation pushed by civil society has little chance of success. When simultaneously pursuing an approach of institution capacity building and an approach of civil society capacity building, the misleading assumption that civil society is a necessary condition for democracy and not an effect of democracy can be overcome. Democracy and civil society have an interactive, not a conditional character.

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Questionnaire for Non-Governmental Organisations (NGOs)
Capacity Building and Civil Society Development in Bosnia and Herzegovina

I. Organisation

1. Organisation's Name

2. a) Date of organisation's establishment

b) Beginning of organisation's activity / work in Bosnia and Herzegovina

3. Field of Activity (multiple answers possible)

- Democratic Stabilisation and Democracy Promotion
- Economic and Social Development
- Education / Youth
- Environment
- Minorities
- Other: _____

4. How many members do you have?

Full-time / part-time employees: _____

Volunteers: _____

Other members: _____

5. Is your organisation funded by...

- External donor(s)
 - International NGO
 - EU programme
 - Bilateral Aid
- Sustainable Self-funding
- Funding by Municipality / Entity / State
- Membership Fees
- Other

II. Civil Society Development in Bosnia and Herzegovina

6. Could you estimate the importance of the Bosnian civil society for the democratic consolidation?
(1 = useless; 5 = very valuable)

- 1 2 3 4 5

7. Is your organisation rooted in a local context (e.g. cooperation with grassroots organisations,

schools etc.)?

- Yes
- No

8. How is the cooperation with local (or national) political authorities? (1= very bad; 5= very good)
 1 2 3 4 5

9. What is the most urgent challenge for the development of a sustainable civil society in BiH?

III. Capacity Building

10. Did you / Do you provide capacity building to others?

- Yes
- No

10.1 If yes, to whom?

11. Did you / Do you receive capacity building?

- Yes
- No

11.1 If yes, by whom?

11.2 Capacity Building in which field?

- Management
- Technical Assistance
- Funding and stakeholder relations
- Advanced trainings for volunteers etc.
- Other:

11.3 Did the capacity building programme(s) satisfied your needs?

- Yes
- No

Why?

12. Do you have any specific expectances concerning capacity building programmes?

IV. Relations between EU – Civil Society Organisations

13. Do you know the Civil Society Dialogue between the EU and the Candidate Countries?

- Yes
- No

14. Have you taken part in past Civil Society meetings at a European level?

- Yes
- No

15. Would you be intrested to participate in further dialogue and meetings at a European level?

- Yes
- No

16. In the EU Council Regulation establishing the Instrument for Pre-Accession Assistance (IPA), it is stated that the assistance provided to (potential) candidate countries shall support the „development of civil society“ (Art.2.1(e)). Do you receive any grants from the IPA?

- Yes
- No

16.1 If you receive funding from the IPA, via which institution (direct funding from the EU, funding by national or municipal administrative bodies, ...)?

16.2 How do you (plan to) evaluate and monitor projects funded by the IPA?

Thank you very much for your cooperation!