THE DEVELOPMENT OF CIVIL SOCIETY IN THE COUNTRIES ON THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE THE 1980s

Edited by
Danica Fink-Hafner

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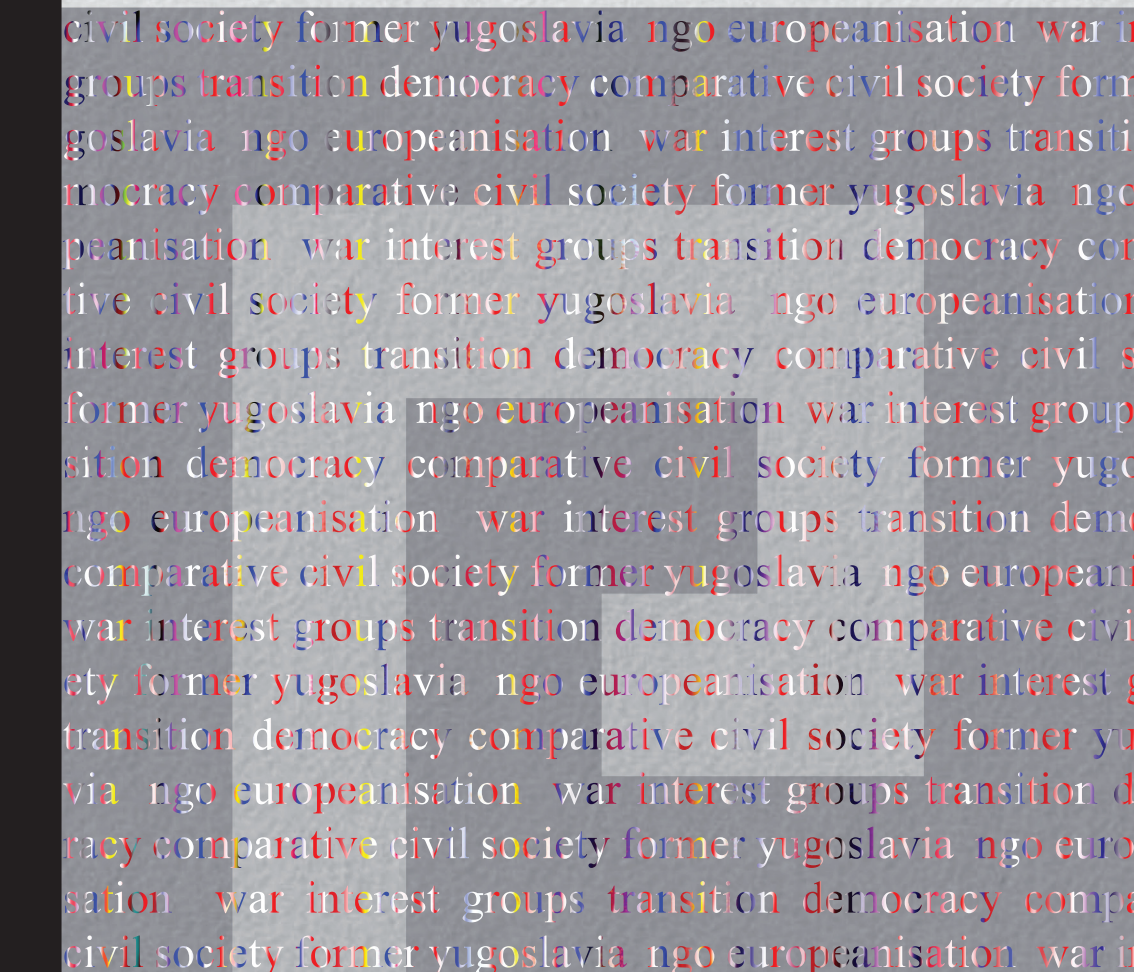

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1 A FRAMEWORK FOR STUDYING THE DEVELOPMENT OF CIVIL SOCIETY ON THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE THE 1980s

Danica Fink-Hafner

Introduction

This book is first of all an exploratory account of an under-researched aspect of socio-political dynamics on the territory of the former socialist Yugoslavia since the 1980s. It paints an overview of the complex civil society developments as a whole, rather than exploring individual themes[1]. Since few publications have addressed the broad view,[2] while those which have done so have not been written by native experts, our primary aim here is to present a rough analysis of the main characteristics and factors of civil-society developments on the territory of the former Yugoslavia from the point of view of native experts.

Throughout the book we will not confine ourselves to one definition of civil society. Rather, we will allow each contributor the space to define civil society appropriately in the political and national context. Furthermore, it is clear that the notions of civil society have not been uniform. In some areas of the study region (notably Slovenia and to some extent also Croatia), the theoretical conceptualisations

1 For instance, research into the feminist aspect of civil society development in this region has already been tackled by Ramet (1999b).

2 A recent exception being a monograph by Bojicic-Dzelilovic, Ker-Lindsay and Kostovicova (2013).

of civil society have tended to go hand in hand with the development of social movements opposed to the one-party system at that time. In other parts of the former Yugoslavia, civil society either has not been theorised at all or has been framed in various other ways.

A common thread that runs throughout the monograph is the connection between the development of a modern civil society and the variations in democratic transition in the various territories of former socialist Yugoslavia. In fact, we will view the development of civil society through the framework of the political territorial units that evolved from the six former Yugoslav republics (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Macedonia) and the autonomous province of Kosovo. We use the general term 'territorial political units' in the book to refer to these countries since they each established their independence separately and sequentially, rather than concerted and simultaneously. Social scientists have theorised that not only had these societies been idiosyncratic during the socialist period in Yugoslavia (Hafner-Fink, 1993), but that the national political institutions evolved idiosyncratically in the process of democratic transition (see Goati, 2000; Krašovec and Lajh, 2003; Lajh, 2001/2003; Lajh and Fink-Hafner, 2001; Listhaug and Ramet, 2013).

Indeed, its internal variations made the former socialist Yugoslavia a natural laboratory for the transformation of the previously shared political system of socialist self-management governed by the Communist Party. The variations in the previous historical developments, social structure, socio-economic characteristics, and the political, cultural and institutional traditions were closely linked with the particularities of the trajectory of each political-territorial unit (e.g. see Ramet, 1995/1999a/2002; Cohen, 1995; Riegler, 2000; Fink-Hafner and Haček, 2000/ 2001; Bartlett, 2000). The characteristics of civil society developments in these units have been both: (1) a factor which has co-determined the characteristics of the transitions to democracy in a narrow sense in each particular unit; and (2) a factor which has co-determined the characteristics of further democratisation and democracy consolidation processes in each particular unit. This is why in this book we adopt the particular actor aspect as our focus.

The theoretical framework

Although we recognise how important the socio-economic prerequisites of democracy are (Lipset, 1959), we also take into account the findings on factors that co-determine the successful transitions to democracy, and the findings on factors that co-determine the postponed transitions to democracy on the territory of the former Yugoslavia (Fink-Hafner and Hafner-Fink, 2009). These findings reveal the crucial factors to be: constitutional choice; the subsequent power relations following the first free elections; and the presence (or lack thereof) of war. While successful transitions did take place in relatively favourable economic circumstances, it is nevertheless impossible to treat them as an explicit indicator of whether the economic circumstances were poor per se or were affected by war.

Based on the findings cited, we focus on the theories of the interrelationships between the institutions and actors in the processes of the transitions to democracy. In order to give some qualitative account of the causal relationships in the field of civil society development, we examine the factors that we expect to impact on these processes, namely: war, external influences on national civil-society developments, and the impact of the recent international financial and economic crisis.

Institutions matter – so do actors

Among other factors, the third wave of transitions to democracy and the building of new democracies contributed to a growing interest in political institutions (see March and Olsen, 1984; DiPalma, 1990; Huntington, 1991; Elster et al., 1998; Farrell, 2001; Horowitz, 2003; Norris, 2004). In addition to this, the fourth wave of the (re)creation of electoral systems in some of the older democracies (countries like Italy, Japan and New Zealand radically changed their electoral systems in the 1990s) also encouraged researchers to think about the relevance of political institutions to political system change (Farrell, 2001: 179–80; Horowitz, 2003). At the end of the 1980s and start of the 1990s, international agencies such as the World Bank realised that good governance is an essential precondition for effective human development, for managing poverty, inequalities and ethnic conflicts (Norris, 2004: 3). Since early 1991, a new phenomenon has emerged, namely the involvement of international observers, experts

in the field of technical assistance and constitutional advisors in transitional elections in many states of Central and Eastern Europe, Asia and Latin America (Norris, 2004: 4). Some states, for instance Bosnia and Herzegovina, even became the subject of international social engineering, including political institutional engineering.

Indeed, the advice dispensed by external experts and the influences of external powers have mostly tended to promote a model of democracy understood as liberal democracy – Dahl's *poliarchy* (Dahl, 1971). However, in the case of the countries of the former Yugoslavia, and in particular in those countries which were heavily involved in violent inter-ethnic conflicts (notably Bosnia and Herzegovina), another set of externally-promoted normative frameworks and institutional rules were developed for democracy in divided societies (Reilly, 2001; Horowitz, 2003). In fact, Bosnia and Herzegovina became a 'laboratory for institutional designers' (Sholdan, 2000: 34), as did Kosovo and to some extent also Macedonia.

Constitutional choices. In the classical literature on constitutional engineering, there is little research on how the choice of constitution can be crucial to the process of democratic transition. Nevertheless Western authors (such as Lijphart, 1991; Dahl, 1991) have argued that parliamentary choices rather than presidential constitutional choices could be more supportive of democracy in countries transitioning from authoritarian rule. Indeed, research into ex-Yugoslav countries (see Ramet, 1999a/2002; Bartlett, 2000; Riegler, 2000; Pridham and Gallagher, 2000) has illustrated how constitutional choices in the transition period have significantly influenced the dynamics and success of the move to democracy. Indeed, even a small advantage in the historical decision-making on institutional choices could multiply so that the transition to a democracy, as a result of elite power relations, could be halted or at least postponed for a longer period (Kasapović, 1994/1996/1997/2000/2001; Miller, 1997; Kasapović ed., 2001; Vejvoda, 1996/2000; Goati, 1998/1999/2000/2001; Fink-Hafner and Hafner-Fink, 2009).

As a rule, the variations in the type of transition to democracy are linked to the variations in institutional choice. Here, it may be helpful to theorise the transitions to democracy within the framework of a three-stage model. The mechanics of institutional engineering can be revealed by analytically decomposing democratic transition into a pre-transition stage, a transition in the narrow sense (an actual

change in power that replaces the old political elite with a new political elite), and democratic consolidation (see Linz, 1990; Huntington, 1991). Indeed, institutional choices are believed to be determined by the results of power relations in the transitional stage. However, the existence of a liberalisation stage prior the transition is critical, because the gradual transition to a democracy (including the liberalisation stage) is associated with the formation of a relatively strong opposition with which the former elite must enter into dialogue on the institutional arrangements of the new political system during the transition stage. On the contrary, in circumstances where the liberalisation stage either does not evolve or is very brief, the forces of opposition lack the chance to develop into relatively strong subjects or clusters of subjects with which the old political elite must negotiate. Alternatively, due to its weakness, the opposition may even simply give up. In the circumstances of a particularly brief or weak liberalisation stage and the continued dominance of former elite, the former elite will be able to create institutions in line with their own interests. Through institutional engineering they can freeze or at least postpone the transition to a democracy. In such instances, any real chance of regime change therefore becomes significantly reduced for some time.

This pattern in the liberalisation stage was common in central Europe. The pattern lacking the liberalisation stage can be seen in an important share of the territorial political units that were formed on the territory of the former Yugoslavia. Perhaps the most extreme example of a lack of a preparatory stage prior to the first multi-party elections was in Bosnia and Herzegovina, where in fact there had not even been a fully developed agreement to establish an independent state on the territory of the former Republic of Bosnia-Herzegovina (Fink-Hafner and Pejanović, 2006). We should also not neglect to mention that the rapid political formation of an oppositional bloc in the circumstances of the 'wrong' institutional decisions by the former elite and in the context of war could lead to a structurally similar starting point in terms of institutional engineering practices as well as its consequences – as was the case in Croatia (see Kasapović, 1997; Vejvoda, 2000; Lalović, 2000; Čular, 2000; Kasapović, 2001).

Actor Power Relations and Types of Transitions to Democracy. Each country or territorial-political unit faced a variety of complex challenges in its transition to a democracy: economic, social, value, political

and normative (see Fink-Hafner, 1995; Fink-Hafner and Haček, 2000/2001; Dawisha and Parrott, 1997; Riegler, 2000). In each of these fields political struggles took place between particular interests.

In the political science literature, it has been asserted that the key to understanding the processes of democratic transition lies in the conflict between the old and new elites (e.g. Kasapović, 1997). In the 'managing' type of transition the ('top-down') processes and institutional adaptations were predominantly managed by the communist elite. Where the distribution of power between the old and new elites was more even, a contractual pattern developed, including negotiations of the institutional rules. In some cases, the opposition clearly prevailed and the old elite capitulated. We should add here that the discontinuity in these processes (albeit temporary) and their suspension can only be understood when we take into account the power relations at the time. The power relations were responsible for determining the new institutional rules of the game just prior to the first free elections, as well as determining the structure of politics immediately following the elections. It was exactly this starting position that in many ways determined the opportunities for institutional engineering in favour of the first predominant political force after the first elections. Where no single prevalent political force formed the mechanics of compromise and coalition operated.

Nevertheless, the political elites in each of the political-territorial units of Yugoslavia were not the same; there was not just one political elite across the whole of the former Yugoslavia. In fact, research has revealed some major political cultural differences among them (Šiber, 1989). Furthermore, oppositional elites did not evolve either at the same time or with the same characteristics. In the socialist countries of central Europe, they tended to develop from the various oppositional sub-cultural and social movements of the 1980s characterised as civil society (see Bibič and Graziano, 1994). In the transition to a democracy in the central European cluster of countries (notably in Poland, Hungary and Slovenia) an oppositional civil society played a pro-active part in dismantling the old regime. Yet this was not the case in most former Yugoslav republics. The timing and level of civil society's development, its strengths as well as the adaptation of old elites, varied considerably. As a result, power relations between the old and new elites, together with their involvement in war, co-determined a variety of dynamics and characteristics of the transitions to democracy. Slovenia emerged as the only country

of the former Yugoslav region comparable to the central European region (Fink-Hafner and Hafner-Fink, 2009).

Neo-corporatism. The socialist system of self-management in Yugoslavia was founded, among others, on neo-corporatist ideas. This is why the idea of neo-corporatism in terms of the social partnership remains relevant for our research framework also after the failure of concertation among the political elites in the 1980s and the successive breaking away of the former Yugoslav republics (and the autonomous province of Kosovo) in the 1990s.

However, the pre-Yugoslav historical traditions of corporatism had not been common to all parts of the former Yugoslavia. Also, here was no single common tradition, but rather various traditions in terms of trade union organisation and strength.

Nevertheless, the variations in the institutional traditions and actors had to some extent been covered by the same common institutional setting of the Yugoslavian political system. In line with some partial comparative analyses (see Stanojević, 2003; Grdešić, 2006), we expect that the variations among these units, following their break with the old regime and their constituting as autonomous political-territorial units, to be considerable in terms of the post-1990 evolution of trade unions, neo-corporatism and social partnership.

The impact of war

Where war profoundly impacted on society the effects have burdened several generations. These societies not only suffered as a result of the material ruin and lost human lives, but also in terms of the damaged educational, economic, cultural and political prospects, and the lost potential of those who emigrated.

In war, political institutions either fail to function or function in a different manner than in peacetime. As shown in previous research, war has gone hand in hand with the freezing of democratisation processes or has even delayed the transition to democracy on the territory of the former Yugoslavia (Fink-Hafner and Hafner-Fink, 2009). War also intensifies the social values of civil society. While in the context of peaceful democratisation we can distinguish between a civil society that supports liberal values and a civil society as 'totalitarianism from the bottom' (Mastnak, 1987), in the context of war the distinction between civil and uncivil society is even greater.

War not only undermines the relatively favourable economic circumstances (emphasised in much of the research as a precondition for the successful transition to democracy), in geopolitically sensitive regions like the Balkans, it also attracts the involvement of external powers. In such cases, geopolitical reasoning tends to override other important social and political issues – as noted in the case of Bosnia and Herzegovina (see the report *Unfinished Peace*) (The International Commission on the Balkans et al., 1996).

It comes as no surprise that the absence of war should be recognised as a necessary precondition for democracy. However, the absence of war is not a sufficient condition per se. It must be combined with a parliamentary political system and an absence of international forces, the presence of which indicates an inability of the individual countries to manage their ethnic conflicts successfully (Fink-Hafner and Hafner-Fink, 2009). As shown in the previous sections, the initial political circumstances just before the first multiparty elections are critical for determining the institutional rules and thereby also for determining the winner of the first elections. In the countries emerging from the former Yugoslavia, political power relations following the first multiparty elections were indeed important determinants of the transitions to democracy – they either enabled the continuation of the transition or they interrupted it. As shown by Fink-Hafner and Hafner-Fink (2009: 1619) the 'cocktails' of co-determinants (configurations of factors) causing a delay or discontinuity in democratic transition included war and the presence of a predominant party after the first multi-party elections. However, in cases where such a party appears in causal configurations with non-involvement in a war and with the presence of a parliamentary system, it does not cause a discontinuous transition (Fink-Hafner and Hafner-Fink, 2009: 1619). Thus, even though political institutions do matter, in circumstances of war the importance of political institutions become secondary.

External influences on national civil society developments

International influences

Researchers have noted that international circumstances do impact on the development and maintenance of democracy (see Przeworski et al., 1996). Furthermore, a border with a democratic country has been proven to be a positive factor which supports democratic

development (Gasiorowski and Power, 1998). Programmes for the promotion and protection of democracy also used to be considered to have a positive impact on the consolidation of democracy (Schmitter and Brouwer, 1999). Nevertheless countries involved in war have also been subject to external influences via the establishment of foreign non-governmental organisations providing humanitarian programmes and not so much adding to the development of home-grown civil society.

The effect of financial aid from foreign foundations on democratisation, resources and institutionalisation of civil society has been regarded favourably at least by the individuals involved (Quigley, 1997: 112–13). The extent of a government's vulnerability to Western pressure, and the extent of their economic, political, organisational, social and communication ties with the West (with linkages having a more consistent impact) appear to be major determiners of democratisation (Levitsky and Way, 2006). In the case of the countries of the former Yugoslavia, the EU has often been in a position to apply leverage.

The EU's influence

Since the 2004 EU enlargement, certain political criteria have been taken into account when assessing the readiness of a particular country to join the European integration process. Firstly, the strength and the active involvement of civil society have become indicators of the extent to which post-socialist countries fulfil the democratic standards that have been set in line with Dahl's definition of democracy as a *polyarchy*. Secondly, beginning with the EU's involvement in domestic politics in Slovakia, the EU's support for domestic civil society has become a mechanism by which it can influence domestic political developments in accession countries on their way to becoming EU members (see Rybář and Malova, 2004; Haughton and Malová, 2007). Furthermore, the European Neighbourhood Policy (ENP), which was introduced by the EU to target neighbouring countries which would not be EU candidate states in the foreseeable future, has increasingly been used to support civil society in these countries with the aim of promoting the EU's economic interests of liberalisation and to develop the countries' relationships with the EU – particularly in the context of re-arrangement of the EU-Russia relationship in the EU's neighbouring territories (see Schimmelfennig, 2009; USAID 2013). With the recent re-emergence of cold-war relations

between the West and Russia, several countries in the Balkans (and their civil societies) have (re)gained their 'hot spot' geopolitical positioning, calling for a rethink of EU policies.

The EU's policy of supporting civil society in its neighbouring countries has prompted the expectations that (1) the EU can actually strengthen domestic civil societies (Sedelmeier, 2011), and (2) that the Europeanisation of interest groups could serve as a democratising factor (Warleigh, 2001). High hopes have been placed on the EU's policy in the Western Balkans, as the pressure from voters and civil society for reform have in practice remained the most uncertain piece of the reform puzzle in the countries of the Western Balkans (Vachudova, 2014).

The EU's impact on civil society in the post-communist countries in the accession stage remains disputable (Kutter and Trappmann, 2010). It is a popular myth that civil society in post-communist countries is inherently weak (see Fink-Hafner et al., 2014). Also, it has not been fully recognised that societal actors can be either civil or non-civil (Kubik, 2005; Piotrowski, 2009) and at least in some cases a mixture of both, such as the feminist/ethnicity-based organisations and movements (Miškovska Kajevska, 2014). Furthermore, they may also evolve over time (Fink-Hafner et al., 2014) and they may differ among countries within the same timeframe – a fact not recognised by EU policy.

Although the empowerment of domestic civil society in the context of EU conditionality has been stressed in principle, there have been significant variations in the EU input – particularly with regard to different policy fields (Kutter and Trappmann, 2010). In some countries, EU funding has been a decisive factor in the emergence of a new type of interest group in the fields of environmental policy and gender equality (Börzel and Buzogány, 2010). While it has been revealed that NGOs are able to use EU links to pressure governments and that, where governments are sensitive to naming and shaming, the pressures applied by NGOs can result in a positive influence on the policy process and quality of democracy (Dimitrova and Buzogány, 2014), researchers have also warned of a Eurocratisation of NGOs (Hallstrom, 2004). Furthermore, the EU conditionality has not only been associated with the empowerment of domestic civil society, it has also effectively led to the differentiation of interest groups into those which are EU-empowered and those which are EU non-empowered (Kutter and Trappmann, 2010; Sedelmeier, 2011). And

finally, particularly when looking at Western Balkan countries, civil society organisations may be perceived both as transparent and as corrupt. Indeed, to a great extent they have been perceived as organisations that are somewhat alienated from citizens, their primary concern being to guarantee employment for their professionalised leadership, who rapidly move from one externally funded project to another without being able to focus on citizens' needs or identify real-life social problems and work toward a long-term solution (see Pavlović, 2007; Sejfija, 2009).

The impact of the recent international financial and economic crisis

The international financial and economic crisis affected not only in the circumstances and characteristics of the existing civil society organisations, but also the overall socio-political scope and characteristics of citizens' political participation. Indeed, the recent international financial and economic crisis has encouraged an increase in political participation in general and of the resource-poor in the developed countries as well in other parts of the world (see Linssen et al., 2013; Vradis and Dalakoglou, 2011; Mattoni and della Porta, 2014). Not only that, the recent wave of citizen mobilisations has undermined the existing types and states of democracy – in some cases it also experimented with different models of democracy (della Porta, 2014).

As well as the transnational dimensions of protest movements in the crisis, we can also trace the patterns of diffusion (Mattoni and della Porta, 2014). Here researchers have observed that the last wave of protest movements tend to emphasise the importance of having a national focus and the relevance of individual commitment.

There are several reasons why we would not expect to observe any significant national convergence either in terms of civil society organisation characteristics or in terms of the recent mobilisation waves in the countries of the former Yugoslavia. Firstly, civil society in our case-study countries has developed along different pathways (see Ramet, 1995). Secondly, the crisis has taken a different form in each country. And thirdly, these different forms of crisis have influenced the diffusion of social movements within these countries (Mattoni and dela Porta, 2014: 278–280). However, we do expect the financial crisis and the related austerity measures to have shrunk

the public funds available to civil society organisations. Consequently we expect both an increase in competition among the civil society organisations (those established bottom-up and those established externally in a top-down manner) for public funding at various levels of government, as well as a decline in the overall civil society organisational capacity.

Analytical framework

An overall conceptualisation of the project

The book includes both a comparative cross-country view and a country case-study analysis. The cross-country comparative chapters are based on the *European Social Survey* data from 2008 and draw on national differences in the level of civic involvement in politics in general and in associations in particular. The comparative chapter focuses on a single specific kind of social movement (the feminist moment) and its evolution in several countries since 1989. Finally, the concluding chapter will summarise some of the findings based on the comparative country case studies.

The country case-study chapters on Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia and Kosovo are broadly comparable without being so highly standardised as to ignore countries' idiosyncrasies. The country chapters cover: civil society and the transition to democracy; a dynamic view on civil society developments; and trade unions and social partnership developments since the 1980s. We also take into account the following factors that co-shape civil societies in the political territorial units studied: (1) the national political institutions and legal frameworks which have co-determined the legal space of civil society in the particular political-territorial milieus; (2) the impact of war on the territory of the former Yugoslavia (1991–1995); (3) the impact of external influences, particularly the EU and (4) the impact of the recent international financial and economic crisis.

Clusters of questions for country chapters

The authors of the country case studies were asked to address the following clusters of questions.

1) Civil society and the transition to democracy

What does *civil society* mean in your particular country?

What kind of connotations has it had in the particular country (positive, negative, neutral)?

Have there been any public debates on the political-philosophical conceptualisation of civil society or has the term civil society been applied to particular forms of citizens' activation?

What has been the role of civil society in the transition to democracy? What have been the key characteristics of transition toward democracy in your particular country?

2) A dynamic view of civil society developments

What have been the main characteristics of the development of social movements and interest groups since the 1980s?

What have been the main stages of civil society developments, taking into account all the relevant factors/junctures (the stages in the transition to democracy, the creation of an independent state, war, the stages of EU integration, the timing of the involvement of other external forces in domestic politics)?

What is the current state and capacity of civil society?

What have been the main resources of civil society and the impact of external funding (EU and other external funding)?

3) Trade unions and social partnership

What have been the particularities of the development of trade unions and employers' associations?

Has a social partnership developed? If so, how (domestically grown or under external pressure)?

4) The impact of the international financial and economic crisis

How has the international financial and economic crisis impacted civil society developments?

How has the international financial and economic crisis impacted social partnership?

What are the future prospects of civil-society developments in your particular country?

Research methods and data sources

A cross-country comparative analysis of the social survey data is written in line with the operationalisation of civil society typical for such surveys. Here the unit of data gathering is the individual citizen and his/her involvement in the various interest associations and political activities. Furthermore, in the cross-country analysis of developments in the feminist movement, for the most part social movements are taken as units of analysis. As with the other chapters, this chapter is based on a more qualitative analysis that includes a review of the previous research and the legal – and other relevant – documents. Other country-specific chapters also take into account official statistical data on interest organisations and the findings from national public opinion surveys.

The structure of the book

Our two opening chapters present an insight into the considerable variations among the countries studied – whether in terms of the scope of interest associationism (the chapter by Mitja Hafner-Fink and Meta Novak) or in terms of the characteristics of social movements (the chapter by Zorica Siročić on feminist movements).

Based on the analytical framework presented, each country chapter will analyse the unique developments in civil society since 1989 in that particular country. The chapters and their respective authors are: Slovenia by Danica Fink-Hafner; Croatia by Zdravko Petak and Igor Vidačak; Serbia by Slaviša Orlović; Montenegro by Olivera Komar; Bosnia and Herzegovina by Ismet Sejfija; Macedonia by Aneta Cekik and Lidija Hristova; and Kosovo by Taulant Hoxha, Besnike Koçani, Dren Puka and Nart Orana.

The concluding chapter (by Danica Fink-Hafner) will summarise the findings and discuss both their policy implications as well as suggestions for further research.

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2 SOCIAL PARTICIPATION, POLITICAL PARTICIPATION AND PROTESTS ON THE TERRITORY OF THE FORMER YUGOSLAVIA: COMPARATIVE VIEW BASED ON SOCIAL SURVEY DATA

Meta Novak and Mitja Hafner-Fink

Introduction

In this chapter we will compare citizens' social and political participation in the seven countries that have emerged from the disintegration of Yugoslavia. We will take as the basis for our analysis the fourth round of the European Values Study, conducted in 2008 (EVS, 2008). This means that the comparison will include six territorial-political units of the former Yugoslavia, which at that time (2008) were already sovereign nation-states: Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Slovenia, and Serbia, as well as Kosovo, which had not yet achieved full sovereignty. Our comparative analysis of these countries will focus on the following aspects of citizen participation: membership of interest organisations[1] and the activities of these groups; membership and activities of political parties; and participation in various forms of political protest activities. Thus, the chapter aims to formulate a description of civil society in these seven countries in terms of citizen engagement. The different routes from socialism taken by these countries create a kind of natural laboratory for studying the

1 For the argument in favour of using this term, see Beyers et al., 2008.

democratisation process. If a strong and vibrant civil society is a sign of a 'healthy' democracy (Pietrzyk-Reeves, 2008: 80) in a post-communist country and a necessary precondition for democratic polity (Pietrzyk-Reeves, 2008: 81), then the level of citizen participation can be understood as a relevant indicator of the functioning of democracy in each of the countries investigated.

The role of organised civil society is to represent citizens, to give a voice to the disadvantaged (Carmin, 2010: 185) or to serve as a forum for members to express themselves (Levin-Waldman, 2010: 56). Civil society thus represents a space between the family and the state (Piotrowski, 2009: 170). Unlike the family, the state or work, civil society organisations are the only type of social institutions into which individuals enter entirely voluntarily (Newton, 2001: 206). Political and social participation enables individuals to network on joint interests, preferences and needs (Mackerle-Bixa et al., 2009: 244; Levin-Waldman, 2010: 56). Some scholars refer to such civic participation as the 'heart of a democracy' (Levin-Waldman, 2010: 56): civic participation is 'necessary for democracy and thus for development' (Petrova, 2007: 1278). They claim that the inclusion of civil society in representative and service functions strengthens political democracy and social cohesion (Dekker and Van Der Broek, 1998: 12; Mackerle-Bixa et al., 2009: 244; Carmin, 2010: 189). Through their participation in civil society organisations, citizens learn democratic decision-making (Mackerle-Bixa et al., 2009: 244) and become more competent citizens (Dekker and Van den Broek, 1998: 17). The results of the social surveys confirm a correlation between social and political participation (Mackerle-Bixa et al., 2009: 249). Membership of social organisations evidently has a positive effect on the levels of social trust, political interest, political learning, political skills, the level of political activity, democratic values (Dekker and Van den Broek, 1998: 33; Mackerle-Bixa et al., 2009: 244; Levin-Waldman, 2010: 57; Sissenich, 2010: 16), as well as on the level of tolerance (van de Donk et al., 2003: 268). All of these characteristics contribute to active citizenship and a stronger democracy. Civic engagement can also be regarded as a form of social capital and human capital as well as an indicator of community involvement (Levin-Waldman, 2010: 56–57), and is necessary for 'social integration, economic efficiency and democratic stability' (Newton, 2001: 202).

It has often been observed (Bežovan, 2007; Petrova and Tarrow, 2007; Börzel, 2010; Wallace et al., 2012) that membership of civil

society organisations in post-socialist countries remains low compared with older democracies, despite the efforts of the EU to empower civil society in post-socialist countries (Morjé Howard, 2002: 286; Petrova and Tarrow, 2007: 76; Sissenich, 2010). Interest in civil rights and the environment appears to be declining in post-socialist countries (Börzel, 2010; Carmin, 2010) and trust in civil society organisations remains low (Morjé Howard, 2002: 293). The sluggish development of civic skills may be a consequence of a weak civil society, yet the increased professionalisation of civil society organisations with the support of EU funds has not resulted in higher membership (Börzel, 2010: 6) and (Morjé Howard, 2002: 286). Some studies, however, claim the opposite: namely that the number society members and volunteers in environmental organisations is in fact reasonably high (Carmin, 2010).

To perform its activities successfully, an organisation requires human resources (Carmin, 2010: 187). Along with an organisation's permanent staff, its members and volunteers form a crucial human resource (Carmin, 2010: 187; Bežovan and Ivanović, 2005). A high number of members can lend a civil society organisation significant political weight and credibility. Members initiate social debates on relevant issues, form public opinion and express their interests (Sissenich, 2010: 15). It is therefore in the interests of each membership-based civil society organisation to cultivate a broad support base in the form of members, supporters, volunteers and donors (Fisher, 2006).

In the following chapter we will adopt an individual-level approach to assess the national differences in the strengths of civil society in the countries of the former Yugoslavia. In the comparative cross-country approach we will examine citizens' active involvement with society and the state (Sissenich, 2010), assess whether membership of civil society in the territory of former Yugoslavia is low, and draw comparisons based on the following three indicators: (1) membership of interest organisations and political parties, (2) volunteering in these organisations and (3) participation in political protest activities.

Data

For an overview of social survey data on civil society we decided to use data from the European Values Study, conducted in 2008 (EVS, 2008). This is the only survey that includes data on civil society for

the last few years for all territorial political units that used to be part of Yugoslavia.[2] The first dimension is social participation, operationalised with membership of 15 types of interest organisations and voluntary work in these organisations as a form of active social participation.[3] Besides social participation, we will also compare the countries by level of participation in political protest activities. Respondents were asked about their past participation in five forms of political protest activities.[4]

Membership of and voluntary work for interest organisations and political parties

Although most individuals are not members of any interest organisation, there is a notable difference between those who are members of one organisation and those who are members of more than one. Previous research reveals that membership of more than one organisation defines political participation (Mackerle-Bixa et al., 2009: 246). On average, our analyses reveal a low level of membership: 71.90 per cent of individuals are not members of any of organisation; 16.10 per cent of individuals are members of one organisation; while

2 Our analysis includes Slovenia, Croatia, the Former Yugoslav Republic of Macedonia (Macedonia), Serbia, Montenegro, Kosovo and Bosnia and Herzegovina (BiH).

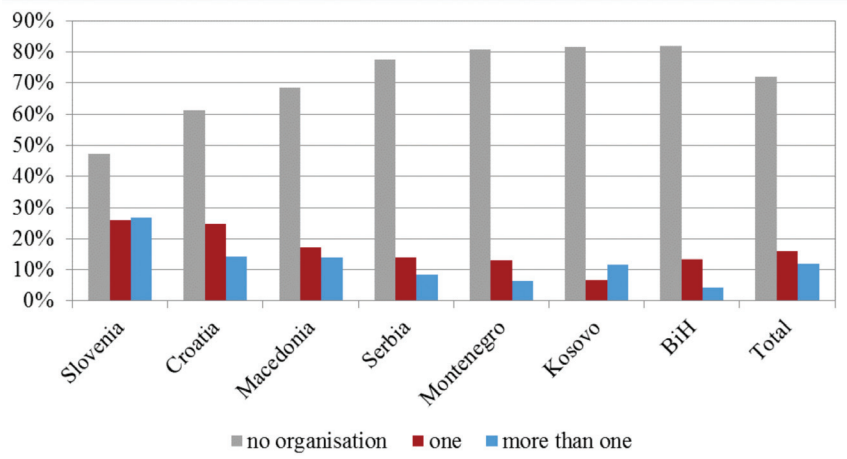
3 Here we will take into consideration the following variables: *Q5 Please look carefully at the following list of voluntary organisations and activities and say … a) which, if any, you belong to; b) which, if any, you are currently doing unpaid voluntary work for*: social welfare services for the elderly, handicapped or deprived people; religious or church organisations; education, arts, music or cultural activities; trade unions; political parties or groups; local community action on issues such as poverty, employment, housing, racial equality; developing world or human rights; conservation, the environment, ecology, animal rights; professional associations; youth work (e.g. scouts, guides, youth clubs etc.); sports or recreation; women's groups; peace movement; voluntary organisations concerned with health; other groups; none (spontaneous) (see EVS, 2011).

4 Here we will take into consideration the following variables: *Q55 Now I'd like you to look at this card. I'm going to read out some different forms of political action that people can take, and for each action I'd like you to tell me whether you have ever done it, whether you might do it or would never do it under any circumstances*: signing a petition; joining a boycott; attending a lawful demonstration; joining an unofficial strike; occupying a building or factory (EVS, 2011). Although the question also asks about readiness to participate in political activities in the future we did not consider this data in our comparison.

12 per cent are members of more than one organisation. The level of membership of interest organisations is the highest in Slovenia, where 25.90 per cent of individuals are members of one organisation and even more, 26.80 per cent, are members of more than one organisation.

Other data (World Values Survey 2004 in Sissenich, 2010) reveals Slovenia to have a relatively high membership of civil-society organisations comparable with older EU member states (EU15) (Sissenich, 2010: 26; see also Ekiert and Kubik, 2014: 49). Besides Slovenia, only in Kosovo is the proportion of individuals who are members of more than one group higher than the proportion of individuals who are members of only one group. At the same time, Kosovo – together with Montenegro and Bosnia and Herzegovina (BiH) – has the highest share of individuals that are not a member of any interest group. Kosovo's 'thin layer' civil society is unique: a small proportion of society is very active and participates in most types of organised interest, while the majority remains entirely excluded from civil society. Almost five per cent of all citizens of Kosovo are members of all 15 types of interest organisations; 6.7 per cent are members of one type of interest organisation; while 81.3 per cent of Kosovans are not a member of any organisation.

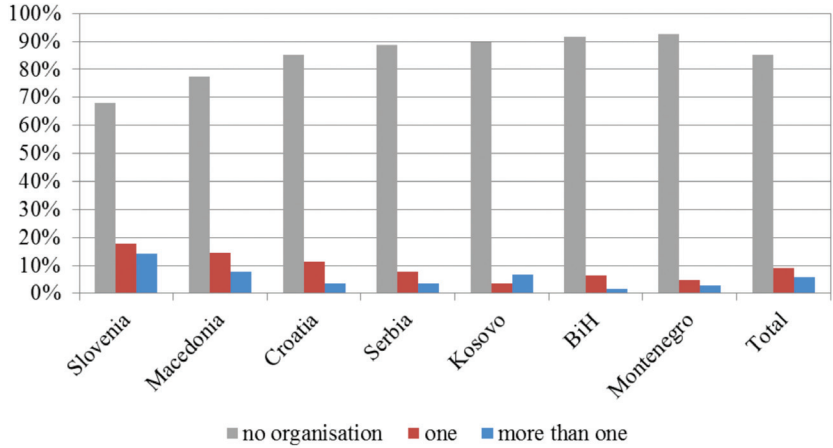
Figure 2.1: Membership of interest organisations and political parties



Voluntary work for organisations is an indicator of more active participation in civil society, while mere membership of an organisation can be perceived as passive participation (Beugelsdijk and van Shaik, 2003: 130; Sissenich, 2010: 16). Scholars agree there is a difference between 'members', 'donors' and 'supporters' of an organisation. The difference between active and passive members is also important (Bosso, 2003: 408). Nevertheless, not all active members are the same. Some volunteers invest a lot of time in organisations while others volunteer only occasionally (Newton, 2001: 207). The proportion of individuals who do voluntary work (either as members or non-members) is lower than the proportion of individuals who are members of an organisation. 85.10 per cent of individuals do not perform any unpaid work for interest organisations. Financial difficulties, a lack of information and a lack of appreciation of the benefits of voluntary work may explain low levels of voluntary work in general (Bežovan and Matančević, 2011).

The highest share of individuals who perform voluntary work in interest organisations can again be found in Slovenia, where 17.90 per cent of individuals perform voluntary work for one organisation and 14.20 per cent of individuals perform voluntary work for more than one organisation. Also, the levels of volunteering in Slovenia compare well with the EU average (Sissenich, 2010: 28). Again, Kosovo is the only country from our study in which the share of individuals who perform voluntary work for more than one interest organisation is higher than the share of individuals who perform voluntary work for only one. Moreover, Kosovo's 'thin layer' of civil society is extremely active. All those respondents who are members of all 15 types of interest organisations also perform voluntary work for these organisations. At the same time, only half of Kosovan citizens who are a member of one civil society organisation perform any voluntary work for them.

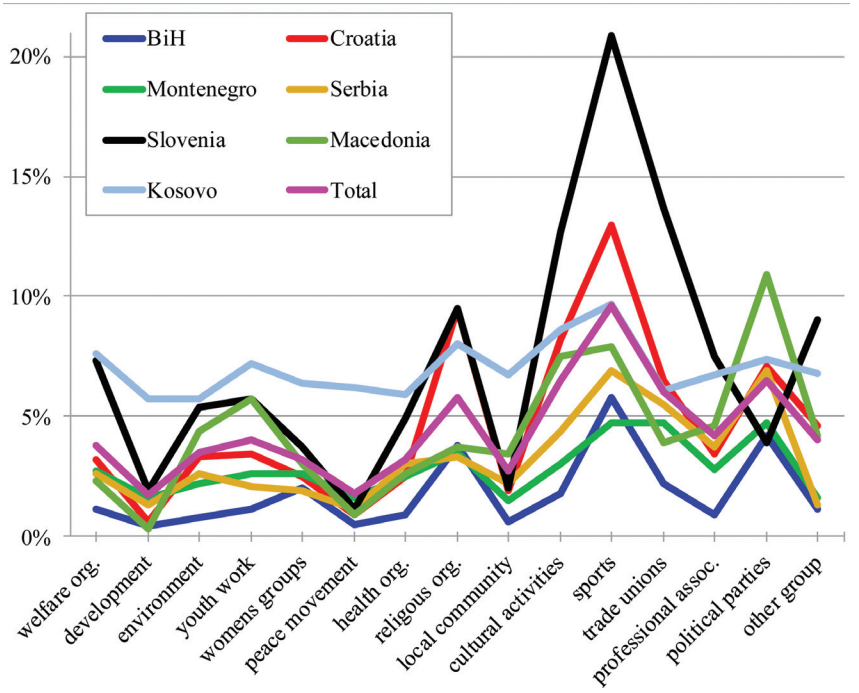
Figure 2.2: Voluntary work in interest organisations and political parties



The individuals from the countries in our study group are not members in equal share of selected civil society organisations. Not all types of civil society organisations are characterised by a large membership base (Bežovan and Matančević, 2011). Different types of organisations also expect different levels and forms of involvement from their supporters (Dekker et al., 2003: 223). Sports organisations, political parties and religious organisations tend to have more members. Croatia and Slovenia have the highest share of members of religious organisations. Religious organisations often promote civic engagement and voluntary activities as they often address the needs of the local community (Levin-Waldman, 2010: 58) or may activate their members in promoting their norms and values. Nevertheless, the trend toward increasing secularisation means that religious organisations are losing their importance (Wallace et al., 2012: 4). This explains the relatively high levels of membership of religious organisations in Croatia – one of the least secular countries in Europe. Macedonia has the highest share of members of political parties. Slovenia on the other hand has the highest share of members of sports and recreational organisations. Involvement in leisure organisations may not count as a political activity. It does, nevertheless, encourage communication between members and is important for building social trust and social capital (Dekker et al., 2003: 224).

Among the countries observed, the patterns of membership of certain types of organisations are largely the same. For instance, sports organisations have a high number of members across all countries. Meanwhile, membership trends in environmental organisations, organisations performing youth work, women's organisations, health organisations or professional associations are largely similar across all countries. Membership of trade unions is the highest in Slovenia, where 13.70 per cent of citizens are trade union members. In Yugoslavia, membership of a trade union was obligatory. Membership since then has inevitably declined – a trend observed elsewhere in Europe (Wallace et al., 2012: 4).

Figure 2.3: Membership of particular interest organisations

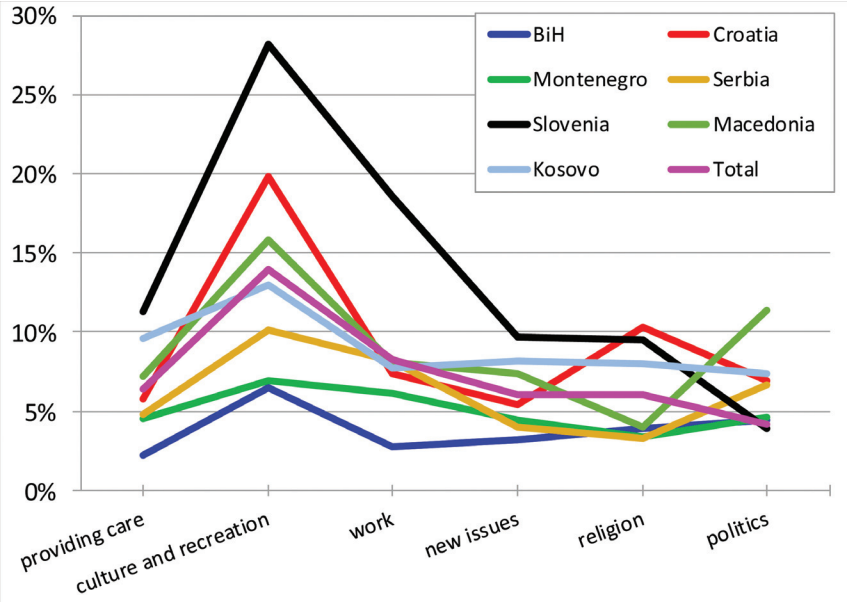


For an overview of membership of civil society organisations we formed a typology of civil society organisations along the lines set out by Dekker and Van der Broek (1998: 22).

1. The first type includes organisations which *provide care*. This includes all citizens who are members of at least one of the following organisations: social welfare services for the elderly, the handicapped, or for deprived people; local community action groups on issues such as poverty, employment, housing, or racial equality; and voluntary organisations concerned with health.
2. The second type includes organisations *providing cultural and recreational activities*. This includes education; arts, music and cultural activities; youth work (e.g. scouts, guides, youth clubs etc.); and sports or recreation organisations.
3. The third type includes organisations *dealing with work issues* such as trade unions and professional associations.
4. The fourth type consists of organisations *concerned with new issues* such as global development issues or human rights; women's organisations; peace movement; and conservation, the environment, ecology and animal rights.
5. *Religious and church organisations*
6. *Political parties* are treated as organisations in their own right. One of the reasons for maintaining this separate variable is to prevent an overlap in the interpretation between social and political participation (Mackerle-Bixa et al. 2009: 251).

As we can see, the level of membership is the highest in Slovenia and that includes membership of organisations providing cultural and recreational activities, organisations in the field of work, organisations providing care, as well as organisations addressing new issues. For the latter two, the difference between Slovenia and the other countries is less pronounced. On the other hand, Slovenia has the lowest membership of political parties; the highest membership is in Macedonia. The lowest membership of almost all types of interest organisations and activities is found in BiH, with Montenegro not far behind. Croatia has the highest membership of religious organisations, followed by Slovenia.

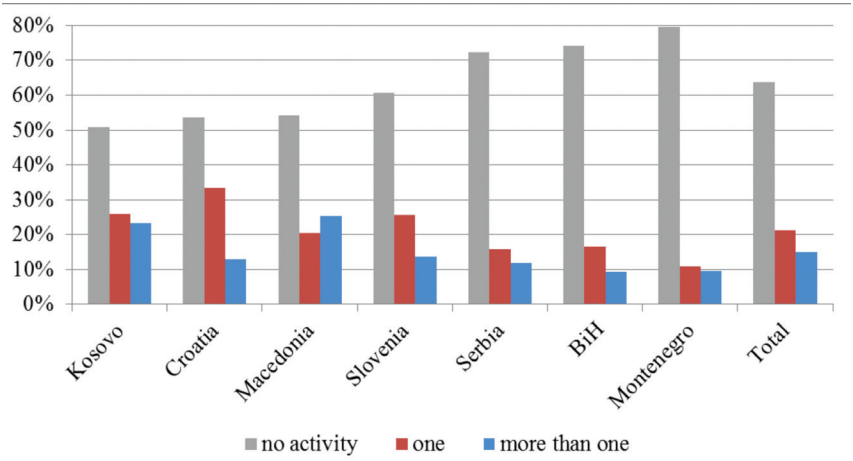
Figure 2.4: Membership of interest organisations and political parties by activity



Participation in political protest activities

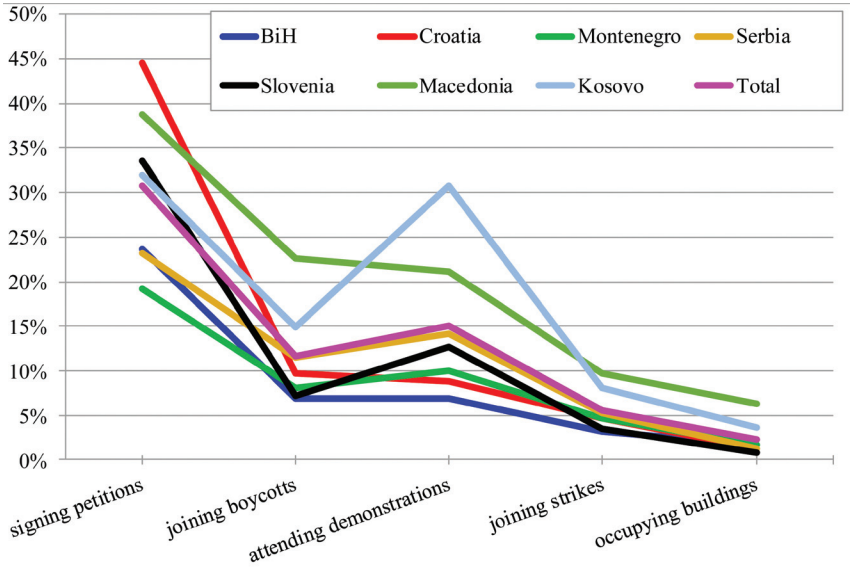
Besides citizens' activities (membership and voluntary work) in interest organisations and political parties, we were also interested in gauging their participation in various political protest activities. Citizens of Kosovo are the most engaged in political protest activities: almost 50 per cent have participated in at least one political protest activity. Citizens of Montenegro, BiH and Serbia are the least engaged in political protest activities: more than 70 per cent of citizens have never participated in any form of political protest activity. Macedonia is the only country in which the percentage of citizens who have participated in two or more political protest activities exceeds the number who have participated in only one. (Figure 2.5)

Figure 2.5: Participation in political (protest) activities



The most common form of protest activity is signing a petition. The highest share of citizens to have signed a petition can be found in Croatia, followed by Macedonia. Occupying buildings and joining strikes are the least common forms of citizen protest in all countries. In Macedonia, more than 20 per cent of citizens have participated in demonstrations and boycotts, while in Kosovo 30 per cent of all citizens have participated in a demonstration. Citizens from BiH and Montenegro are the least involved in political protest activities (Figure 2.6).

Figure 2.6: Participation in particular political (protest) activity

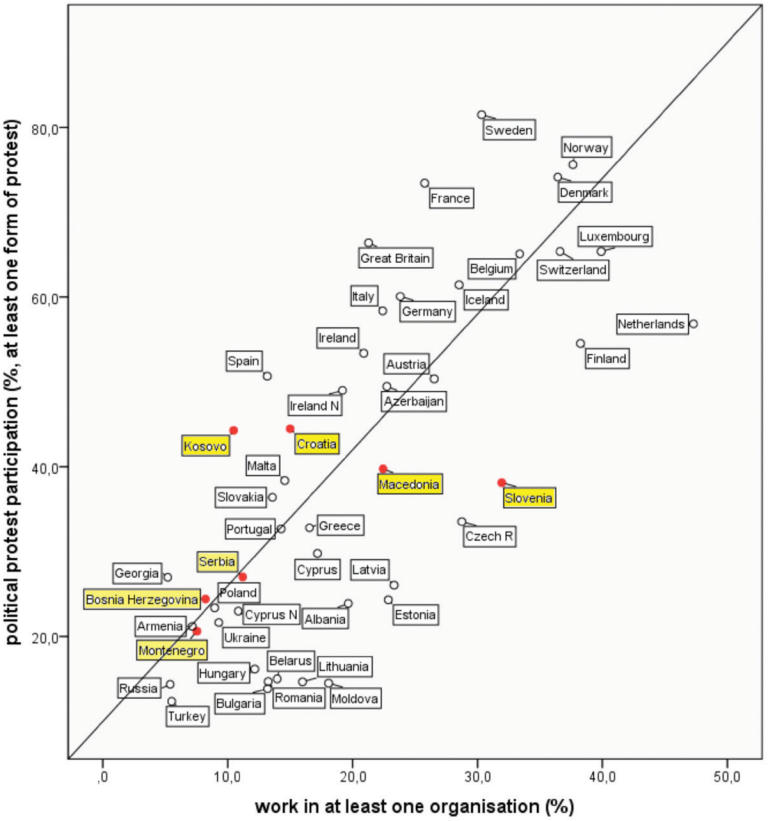


A comparison of social and political participation

Social participation and political participation are often intertwined and one may have a positive effect on the other (Dekker and Van Der Broek, 1998: 12). Membership of civil organisations and unpaid volunteer work facilitate political participation, because active social participation promotes political learning (Sissenich, 2010: 16). We compared the levels of social and political participation in the former Yugoslavian countries with countries from the rest of Europe. As Figure 2.7 illustrates, former Yugoslavian countries form two groups. The first consists of Montenegro, Bosnia and Herzegovina and Serbia. These three countries exhibit low levels of social and political participation. In the second group are Kosovo, Croatia, Macedonia and Slovenia. These four countries exhibit higher levels of social and political participation, although in comparison with the other European countries their score is rather average. A number of other eastern European countries (which are also new EU members) also register in this neighbourhood: the Czech Republic, Slovakia, Malta,

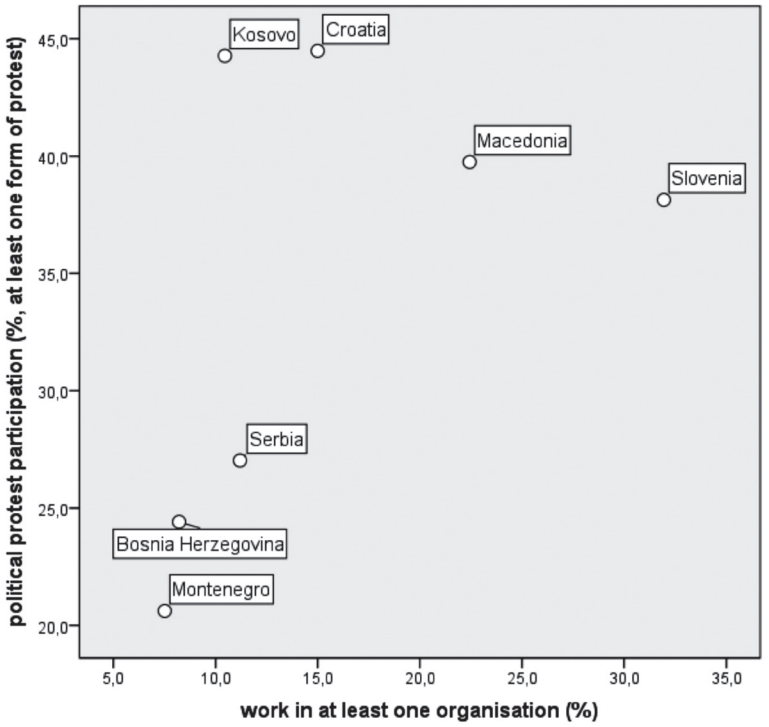
Cyprus, Latvia and Estonia. Both Europeanisation processes as well as the EU's promotion of civil society development and inclusion in policymaking (Börzel, 2010) may have had an effect on Slovenia and Croatia as new member states, and on Macedonia as a candidate state, as a result of which social and political participation in these three countries measures up to the European average. In each individual country chapter greater attention will be paid to the impact of Europeanisation processes on civil society development. By way of comparison, the countries with the highest level of social and political participation are predominantly Scandinavian countries: Norway, Sweden, and Denmark.

Figure 2.7: Voluntary work in interest organisations and political parties and political (protest) activities in Europe



When we focus more closely on comparative social and political participation among our former Yugoslavian countries, the group consisting of Montenegro, BiH and Serbia remains a single cohesive group. However, between Slovenia, Macedonia, Croatia and Kosovo we can discern some differences in the levels of social participation. In Slovenia, social participation is noticeably higher than in Croatia and Kosovo.

Figure 2.8: Voluntary work in interest organisations and political parties and political (protest) activities in former Yugoslav territorial political units



Conclusion

When assessing the development of civil society in the countries of the former Yugoslavia we took an individual-level approach and compared the levels of membership and voluntarism in interest organisations and political parties as well as the level of political participation. Despite relatively low levels of social and political participation in the countries observed, we noticed certain differences between them. Besides the national context and the characteristics of organised civil society in each country (such as the type of welfare state, democratic tradition, the degree of urbanisation, the level of economic development (Mackerle-Bixa et al., 2009), as well as the level of education, modernisation, individualisation, secularisation (Dekker and Van den Broek, 1998: 30), socio-economic status (Mackerle-Bixa et al., 2009: 250) and the level of income inequality (Levin-Waldman, 2012) can also have an impact on citizens' social and political participation. Especially during economic crises and recession, citizens with lower incomes and on the poverty line may withdraw from civic activities. This may have a consequence for the functioning of democracy and is also a relevant reflection when assessing the state of civil society in countries on the territory of the former Yugoslavia.

One of the key conclusions that we can draw from this comparison is that Slovenia and Croatia, the only two countries that are already EU members have a higher percentage of citizens who are members of at least one interest organisation or political party. The level of passive membership exceeds the level of active membership, while even fewer people undertake unpaid work than are members. The greatest differences between active and passive membership can be observed in religious organisations, trade unions and professional organisations. The highest level of political protest activity is in Kosovo, Macedonia and Croatia, followed closely by Slovenia. In comparison with other European countries, the countries on the territory of the former Yugoslavia have modest levels of membership and voluntarism, and therefore compare similarly to the other new democracies of Eastern Europe (Dekker et al., 2003: 223).

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3 A CROSS-COUNTRY ANALYSIS OF WOMEN'S MOVEMENTS IN CROATIA, SERBIA AND SLOVENIA (1978–2013)

Zorica Siročić

Introduction[1]

'Proletarians of all countries – who washes your socks?' [Proleteri svih zemalja – ko vam pere čarape?]. This powerful slogan launched the international feminist conference, Comrade Woman: The Women's Question – A New Approach? (Drug-ca žena. Žensko pitanje. Novi pristup?). As befitted its title, the event that took place in Belgrade's Student's Centre in 1978 indeed represented a new approach to the so-called 'women's question' in socialism, and marked the beginning of a second wave of feminism in Yugoslavia (Bagić, 2004; Bonfiglioli, 2008; Mlađenović, 2014; Stojčić, 2009; Špehar, 2007; Zaharijević, 2013). The scholars and activists organising the first feminist events became the backbone of the feminist and women's scene that would survive the disintegration of Yugoslavia. Despite the immense political, social and cultural importance of women's and feminist movements in Croatia, Slovenia and Serbia, there has not yet been any systematic and comparative study of these movements following the dissolution of Yugoslavia. The changing practices and values of these movements, and the perceived 'transformation of activism' (Bagić, 2004), have led to strong criticisms of these movements both 'from without' and 'from within' (Hirschman, 1970).

1 I am particularly grateful to Sandra Prlenda Perkovac (Centre for Women's Studies, Zagreb) for her valuable comments on the draft version of this article.

In answer to the research question, '*What are the most salient ideological and organisational characteristics of women's movements in Croatia, Serbia and Slovenia in the period from 1978 until 2013?*' we propose a cross-national and cross-temporal analysis of Slovenian, Croatian and Serbian women's movements. Given the shared historical context in which these movements were formed, and the various socio-political and economic factors since 1991, our research promises fertile ground for understanding the factors influencing the formation, the goal orientation and the later changes in these movements.

Relying on the theory of social movements, we define 'women's movement' here as groups, actors and associations that use disruptive and conventional tactics to change women's position in society, while the 'feminist movement' is treated as a subset of the ideas of the women's movement (McBride and Mazur, 2010). Our analysis will take into account both ideological types. Since this differentiation entails theoretical and practical repercussions, the latter will be attached only to those actors and groups explicitly defining themselves as 'feminist'.

The analysis will be based upon a review of the relevant secondary literature, official civil society registers and the material published by the organisations. Our intention is to provide a synthesis of the available material which should serve as a basis for the future study of these movements.

This article is structured as follows: the first section will describe the major ideological and organisational characteristics of the emerging women's movement in Yugoslavia in the late 1970s. The subsequent three sections will describe the movements on the territories of Croatia, Serbia and Slovenia from 1991 until 2013 following the collapse of the common state. The analysis of each movement will reference the socio-political context (access, allies, the political system, the degree of repression); the base of the movement (organisations, networks, actors, parties); and campaigns and discourses (repertoire, self-representation, type of action) (Tarrow, 1994; Tilly and Tarrow, 2007). In the fifth section, we will use a cross-country analysis to highlight the most salient differences and similarities, and we will conclude by offering recommendations for further research.

The women's movement in Yugoslavia

To understand the novelty of the conference 'Comrade Woman: The Women's Question – A New Approach?' (1978), we need to

appreciate the long history of organised women's movements in Yugoslavia (Božinović, 1996; Kecman, 1978; Petrović, 2011; Sklevicky, 1996; Stojčić, 2009; Webster-Jancer, 1990).

Before 1918, a number of women's humanitarian, religious and professional organisations existed on these territories, but they were divided along religious and national lines (Božinović, 1996). Women's movements gained momentum from the socio-economic conditions at the end of the First World War. According to Petrović (2011), the first wave of Yugoslav feminism reflected a clash of three ideologies: bourgeois feminism, the female proletariat and the pro-patriarchal women's cooperatives. Petrović (2011) and Prlenda (2011b) argue that, in spite of their ideological differences, these different strands coexisted and cooperated; without them the organisation of women's movements may have never got off the ground[2].

By the beginning of the Second World War, women actively engaged in the anti-fascist resistance that led to the formation of the 'Women's Antifascist Front' in 1942 (Božinović, 1996; Pantelić, 2011; Sklevicky, 1996). With the establishment of the socialist regime, the emancipation of women became a part of official ideology and all Yugoslavian women were granted full citizenship rights. As the emancipation was treated as an integral part of the class struggle, the politics of feminism were perceived as a relic of bourgeois ideology that diverted proletarian women from the revolutionary struggle (Tomšić, 1940). The literature refers to the understanding of the 'women's question' as the 'classical' approach that juxtaposes it with neo-feminism, which became prominent by the end of the 1970s.

The activities of the Women's Antifascist Front – disbanded in 1953 – were taken up by the Alliance of Women's Associations, which in 1961 became the Conference for the Social Activity of Women (CSAW)[3].

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2 Some of the representative organisations in the inter-war period include the Secretariat of Socialist Women (1919), the Association for the Education of Women and the Protection of Her Rights (1919), the National Union of Serbian, Croatian and Slovenian Women (from 1929 onward, the Yugoslav's Women's Alliance), the Alliance of Women's Associations (1923), Women's Little Entente (1923) and the League of Women for Peace and Freedom (1931).

3 This body was later renamed the Council for the Social Question of Women (1975) and the Conference for the Social Position of Women and the Family (1985) (Stojčić, 2009).

The CSAW and its later versions were part of a complex and well-developed institutional network that regularly followed and analysed a number of issues relevant to the position of women. This 'national machinery for women's equality' (Blagojević, 2010) shared many similarities with what is now known as 'state feminism' (Prlenda, 2011a; Zaharijević, 2013).

In the late 1960s and early 1970s, the student movements and critical theoretical groups, such as Praxis, publicly questioned the official ideology (Klasić, 2012). In Yugoslavia, this period occurred during the emergence of the new social movements and at the peak of the second-wave feminist movement in the United States and western Europe. In 1975, the Yugoslavian state delegation participated at the United Nations' World Conference on Women in Mexico. The CSAW contributed to the international Decade for Women (1976–1985) by organising meetings in Portorož (1976) and Bled (1977) where feminist ideas were discussed for the first time (Prlenda, 2011a). From 1976 onward, international women's studies courses were organised at the Inter-University Centre in Dubrovnik (Mitrović, 2011).

The 1978 conference, *Comrade Woman: The Women's Question – A New Approach?*, was the first event of its kind in which the CSAW took no part (Bonfiglioli, 2008; Bonfiglioli, 2011). The title of the event and the conference slogan encapsulate the problems of the classical understanding of the 'women's question'. Specifically, despite being formally granted 'equality with men in all areas of state, economy and socio-political life', including rights that some of their sisters in the West had yet to win (such as paid work and education, paid parental leave, the right to abortion), women continued to carry the burden of social reproduction (Čakardić, 2013), commonly experiencing sexual discrimination and gender-based violence (Stojčić, 2009). In accordance with the ideas of second-wave feminism, the emerging feminist and women's movement focused on the 'private', which has been largely overlooked in the critical leftist circles as well as in the official socialist institutions (Miškovska Kajevska, 2014; Prlenda, 2011a; Zaharijević, 2013). Although the 1978 conference was specifically a feminist critique – and not an antisocialist critique – of the socialist Yugoslavia (Bonfiglioli, 2008), it represented a form of dissidence that was politically subversive in a new way (Zaharijević, 2013). The representatives of the official women's institutions, as well as some academics, dismissed their activity as 'bourgeois ideology

imported from the West'. This criticism was famously summarised by Drakulić (2005) as the 'six mortal sins of feminism': an imported ideology, in love with power, which, as an elitist, apolitical and non-institutional activity, separates the women's question from the class struggle.

Following the conference, the first feminist groups began to form. From 1978 until the mid-1980s, the dominant organisational forms were discussion groups titled 'Women and Society' and were organised in Zagreb (1979), Belgrade (1980) and Ljubljana (1984) (see Appendix 1.). The groups in Zagreb and Ljubljana were part of the Sociological Association at the respective Faculties for Arts and Humanities. In this 'initial' (Miškovska Kajevska, 2014) and 'discursive' phase (Benderly, 1997), the actors focused on their own education, raising consciousness and empowerment based on the western second-wave feminist idea of 'sisterhood' (Miškovska Kajevska, 2014). They organised numerous public lectures and academic debates, translated foreign texts, and published academic and newspaper articles.

Freedom of association in Yugoslavia was regulated by the Associations Act (1974) and the Act on Social Organisations and Associations of Citizens (1982). The latter defined two forms of groups: social organisations and citizens' associations; while the former was tolerated and encouraged, the latter form was viewed with suspicion and discouraged (Bežovan, 2011). The character of the legal regulation as well as the government's intolerance of dissident groups explain the foundation of the first civil society groups, including feminist groups, under various umbrella organisations, such as Socialist Youth. By the mid-1980s, the first grassroots activists groups began to form SOS Hotlines in Zagreb (1988), Ljubljana (1989) and Belgrade (1990) working directly with women and children victims of violence (see Appendix 1.). Besides the turn toward activism, this period was marked by the tendency toward trans-Yugoslav networking (Knežević, 2004). The Yugoslav Feminist Network gathered groups and actors and organised feminist meetings in Ljubljana (1987), Zagreb (1988), Belgrade (1990) and Ljubljana (1991) (Dobnikar and Pamuković, 2009). The dominant themes of these meetings included violence against women, female sexuality (reproduction rights, homosexuality and lesbian activism) and women's art practices. During this period, feminists engaged in the first public demonstrations in Ljubljana against the military obligation for women (1986) and

in Ljubljana and Zagreb against the use of nuclear energy (1986, 1987) as a part of the pacifist and ecological initiatives (Dergić, 2011; Jalušič, 2002).

On the eve of Yugoslavia's disintegration (1990–1991), activists turned their attention to the state. They endeavoured to ensure that reproductive rights remained in the new constitutions (Ljubljana); they raised awareness of the rights of women to participate in politics; and they protested against militarism and the coming war (see Appendix 1.).

In short, from 1978 to 1991, feminists highlighted issues neglected by 'state feminism', including violence against women, sexism in the media, the androcentric bias in academia, and lesbian activism, which would later become the organisational backbone of the movement (Prlenda, 2011a). However, the violent breakup of Yugoslavia would exert a powerful influence on the immediate formation and goal orientation of the women's movements that developed in the separate states of Croatia, Slovenia and Serbia.

The women's movement in Croatia

Following its declaration of independence in 1991, a four-year war broke out on the territory of Croatia. During the period of war and authoritarian right wing rule, the dominant ideology was characterised by an archetypically patriarchal form of gender relations (Kašić, 2004; Tomić-Koludrović and Kunac, 2000). During the period of ethnic mobilisation, the state had little tolerance for any dissident groups, which were classified as 'enemies of the state'. In the case of the anti-nationalist feminists, this was illustrated by the case of the Witches of Rio (Borić, 2007). Their positions on the war, the nation-state, and the discourse on war rape divided the feminist scene into opposing ethnicity-dependent and gender-based camps: the so-called nationalist faction and the self-declared anti-nationalist faction (Miškovska Kajevska, 2014). The latter maintained their cooperation with the Serbian feminists and took part in the broader pacifist networks such as Anti-War Campaign of Croatia (Bilić, 2011; Kesić et al., 2003).

The organisations formed in the wartime period (1991–1995) dealt primarily with the gender-based violence and humanitarian work that offered direct help to women victims. Some of the most prominent organisations active during this period include the

Autonomous Women's House, Women's Group of Trešnjevka, The Centre for Women War Victims, Kareta and B.a.B.e.. In the aftermath of the war, the independent educational institutions including 'Women's Infothequ' (1992) and the Centre for Women's Studies (1995) (Kašić, 2006), were active, publishing feminist journals Bread and Roses (1995–2009) and Third [Treća] (1998 onward).

During the 1990s, international financial assistance had a significant impact on the 'organisational development, agenda, and the emergence of women's organisations' (Bagić, 2004: 1). Based on 'shared solidarity' (with women), this assistance or 'gift' entailed little or no bureaucratic requirements, but rather demanded emotional investment (Bagić, 2004:8). As is evident in the interviews with the key actors, the practice of 'solidarity-based gifts' was criticised for its lack of transparency, unclear roles, lack of accountability, and for making personal relationships the key factor in the ability of organisations to obtain grants (Bagić, 2004; Barilar et al., 2000).

By the end of the war, the various groups and actors turned to the state to claim their rights to political participation (Irvine, 2012). This called for enhanced cooperation with the female sections of political parties and the education of women politicians. In 1995, more than twenty women's groups joined forces to create the Ad hoc Women's Coalition (Deželan et.al., 2013). This led to the formation of the Women's Network of Croatia (1996), which gathered approximately forty groups. Three Ad hoc Women's Coalitions assembled before the elections in 1995, 1997 and 1999. Their programmes were designed to raise awareness of the low rates of political participation of women and they demanded quotas and special state body to support women applicants. They also appealed to female voters to pay attention to how different political parties treated those issues of particular importance to women. The last took place before the 2000 elections as a part of Voice '99, a broad civil-society campaign of 148 non-governmental organisations, civil initiatives and individual citizens which, along with international financial and political support, joined forces to mobilise the vote for political change (Deželan et al., 2013:38). Some of these groups continued the tradition of advocacy campaigns for the greater political participation of women in the subsequent elections of 2003, 2007, and 2011 (Broz, 2013).

Following the victory of the left-centre coalition in the 2000 elections, thereby ending a decade of right-wing rule, Croatia opened up to the process of European integration and began institutionalising

gender equality mechanisms (Deželan et al., 2013; Kesić, 2007). Equally important, the Act on Associations was formulated in 1997, although its more advanced version followed in 2001. New institutions were established to implement these new laws. These included the Office for Cooperation with NGOs (1998) and the National Foundation for the Development of Civil Society (2003). Both institutions encourage a greater degree of professionalisation and financial independence among civil society organisations.

During the period 2000 to 2003, the policy process was opened up to certain segments of civil society to influence particular policy areas, including violence against women and anti-discrimination (Špehar, 2007). The advocacy of women's groups as well as international and EU-level pressures led to the formation of state feminism institutions[4]. In the period from 2004 to 2007, the structure of funding changed as many donors pulled out considering their mission to have been accomplished (Kesić, 2007) and many organisations were subsequently confronted with the need for a greater degree of professionalisation and sustainability. Studies revealing the gap between 'formal' and the 'actual' organisational practices and modes of governance (Kekez et. al., 2010; Kesić, 2007), as well as the decline and disappearance of numerous groups due to organisational difficulties, would suggest that many of these organisations failed or struggled to address the major challenges.

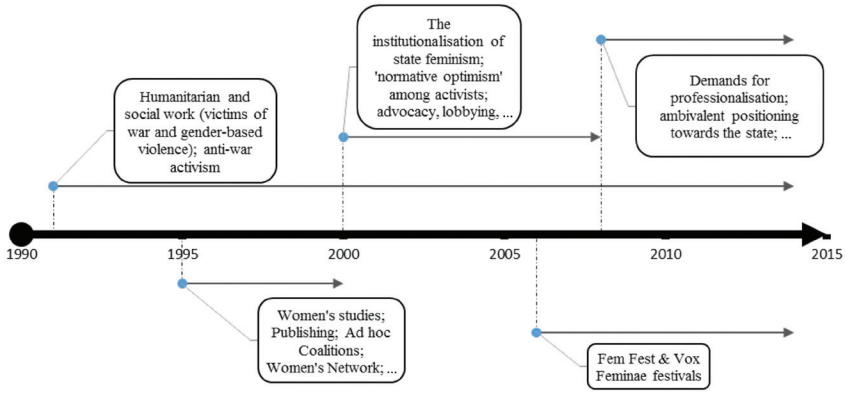
Since the period of institutionalisation of gender equality mechanisms (1997–2003), the watchdog activities of civil society in general have weakened (Cenzura Plus, 2014). In the case of women's organisations, this has been assisted by their ambivalent strategy and positioning toward state institutions (Kesić, 2007). The period of 'normative optimism' (2000–2008) ended with the period of economic recession (2008-onward) overlapping with Croatia's accession to the EU (2013).

4 Including the 'Act on Gender Equality' (2003, 2008), the 'Office for Gender Equality' (2004), the 'Parliamentary Committee for Gender Equality' (2001) and the 'Ombudsperson for Gender Equality' (2003) (Deželan et.al., 2013; Kesić, 2007).

Table 3.1: The development of the women's movement in Croatia (1991–2013)

Start year	Event
1991	Humanitarian and social work (victims of war and gender-based violence); anti-war activism
1995	Women's studies; publishing; ad hoc coalitions; women's network; voice 99
2000	The institutionalisation of state feminism; 'normative optimism' among activists; advocacy, lobbying, watch-dog activities
2006	Fem Fest & Vox Feminae festivals
2008	Demands for professionalisation; ambivalent positioning towards the state; a proliferation of groups beyond urban centres; stronger voices of the 'feminism and left'

Figure 3.1: The development of the women's movement in Croatia (1991–2013)



The 'regular' activities of women's and feminist groups include the following: organising press conferences; staging protests; awareness-raising campaigns; organising round tables; and expressing reactions to daily political events. These actions are mostly framed within the 'human rights of women' discourse (i.e. a life free from violence, reproduction rights, political inclusion, social protection, sexism in the media and education). Furthermore, the Centre for Women's Studies organises an annual programme of women's studies in addition to numerous shorter educational programmes and workshops organised by several women's groups. Some of the earliest groups to form are still active, such as Autonomous Women's House and SOS Hotline. Meanwhile, a significant number of new organisations have formed beyond the core urban areas.

2006 witnessed the organisation of the first feminist festival in Croatia (Fem Fest) (Čakardić et al., 2007; Ratković 2006: 26). It took place only twice. In the same year Vox Feminae was organised as a form of Ladyfest and has taken place every year since. It promotes the work and art of women and 'discussing gender issues' through an international film programme, exhibitions, discussions and music performances, which gather mostly 'younger' and 'third-wave' generation of Croatian feminists.

Since 2010, as a response to the perceived 'depoliticisation' of the NGO scene and the domination of the identity-based politics of feminism, several new initiatives have appeared which are closely aligned to the student movement and positioned on the left-feminist spectrum. The most recent example is The Women's Front for the Protection of Workers and Social Rights', a coalition of thirty organisations, including NGOs, civil society initiatives and women's sections of unions. It was formed in 2013 as a response to the deteriorating economic situation and the detrimental impact of the 'Act on Labour' on women.

The women's movement in Serbia

The 1990s in Serbia were marked by a nationalistic, authoritarian and patriarchal regime whose government was involved in wars on the territories of the other former Yugoslav states. According to Blagojević (1998), the most important socio-economic and political factors influencing the emergence and the form of the women's movement in Serbia include: the war and the dissolution of Yugoslavia; the UN sanctions and Serbia's international isolation; the transformation of socialism into capitalism; and the continuity of feminist theory and activism.

The most salient feature of the women's movement in Serbia during the 1990s was the domination of feminist activism that was closely connected to pacifism and anti-militarism. While the intra-feminist dynamics regarding the gender/ethnicity positioning were complex and nuanced, generally condemning the aggression of the Serbian government (Miškovska Kajevska, 2014), some women's organisations, such as the Circle of Serbian Sisters (Čičkarić, 2006), expressed nationalistic sentiments. The early demonstrations and activism by the women's and feminist groups along pacifist and anti-militarist principles in 1991 became the basis for the anti-war movement in Serbia (Višnjić, 2011).

According to Blagojević (1998), we can categorise the feminist and women's groups that were formed and existed during the nineties as follows: (a) political and anti-war groups such as Women's Lobby (1990) (Ćetković, 1998; Višnjić, 2011), Women's Party (1990–1991), Women's Parliament (1991), and Women in Black (1991); (b) groups against violence toward women, such as SOS Hotlines (1992/1993), centres and safe houses; (c) groups for marginalised women; (d) educational groups such as the Centre for Women's Studies (1992); and (e) legal groups. It is also worth noting the artistic and academic contributions of individual actors as well as the initiatives to encourage women's entrepreneurship and publishing activity, such as the periodicals Feminističke Sveske, Pro-Femina, Women's Studies and since 2002 Genero. The Women's Network of Serbia was established in 1995/1996 as an umbrella association (Blagojević, 1998).

The occasional studies and reports on its organisational structure of the movement (Blagojević, 1998; Milić, 2004) offer some insight into the movement beyond its public image. During the period of intense activism, actors within the movement faced the difficulties that are characteristic of groups that are organised informally, famously described by Jo Freeman as 'the tyranny of structurelessness'. According to Blagojević (1998), financing practices were especially problematic due to the lack of transparency and the emotional investment demanded. According to interviews in Bagić (2004) and Barilar et al. (2000), the same problem was identified by activists in Croatia. Along with the constant changes in rules and practices, the hyperactivity of its actors and pressures to adopt market practices contributed to inter-group conflicts, burn-outs and the overuse of human resources (Blagojević, 1998).

The first anti-war demonstrations were organised by the political group of organisations. These began with the lighting of candles in front of the national assembly every night from October 1991 to February 1992 to commemorate all the war victims (Višnjić, 2011). At the same time, the 'Women in Black' began their silent demonstrations (Višnjić, 2011; Zajović, 2013, Bilić, 2011). Their manifesto, 'always to disobey patriarchy, oppose war, nationalism and militarism' (Zajović, 2013) was based on the notion that 'as women we have no country'. For most of the war period (1991–1999), women in Serbia avoided 'high' or 'institutionalised' politics, including electoral campaigns (Irvine, 2012). Instead they focused on street demonstrations and provided direct assistance to refugees and other victims of war.

In 2000, a broad coalition of civil society groups, among them women's groups, joined forces to overthrow Milošević's regime by mobilising protesters and votes for change. The newly formed group Voice of Difference organised a door-to-door campaign to encourage women to vote and to express their political opinions (Irvine, 2012; Višnjić, 2011). However, according to Irvine (2012), women's groups during this second political transformation failed to establish connections with opposition forces, a fact which was further hampered by the absence of women's sections in political parties.

Since 2000, women's and feminist groups in Serbia have initiated numerous political initiatives and campaigns on a range of issues: advocating the greater inclusion of women in politics, such as Women Can Do It and Vote To Be Able To Make Choices (2000); Get Out and Vote (2003); initiatives promoting anti-militarism and coming to the terms with past, such as Not in Our Name (2004), Declaration on Srebrenica (2005), and Declaration Women, Peace and Security (2006); and advocating secularism through initiatives against the legislature regulating religious communities (2005/2006). According to Višnjić (2011), the only campaign that has successfully brought together women's groups and activists on a national level has been the campaign against gender-based violence, active since 2001.

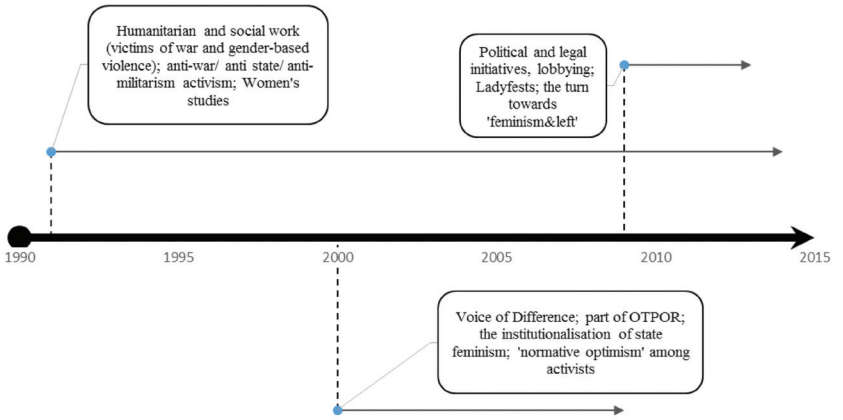
According to the available literature, the development of the movement can be roughly divided in two phases. In the first phase (1990–2000) the movement can be characterised as being largely spontaneous, influenced by feminist academics (Blagojević, 2010), strongly activist (Zaharijević, 2013) and eschewing institutional politics (Irvine, 2012). The second phase (2000 onward) is marked by a proliferation of groups outside of Belgrade, the split between academic and activist groups (Blagojević, 2010) and the stronger influence of donor policies and international agendas (Blagojević, 2010). Furthermore, by 'accepting their situatedness' (Zaharijević, 2013), feminists have directed advocacy toward the state and have enhanced cooperation with the political bodies of the state (Milić, 2004; Višnjić, 2011). This has included their participation in the creation of the legislative framework for gender equality through intensive lobbying (Višnjić, 2011). Some of the mechanisms of state feminism were established during the period 2003 to 2010[5].

5 This includes the Gender Equality Committee of the National Parliament (2002), the Trustee for the Gender Equality of the Government (2004), the

Table 3.2: The development of the women's movement in Serbia (1991–2013)

Start year	Event
1991	Humanitarian and social work (victims of war and gender-based violence); anti-war/ anti state/ anti-militarism activism; Women's studies
2000	Voice of Difference; part of OTPOR; the institutionalisation of state feminism; 'normative optimism' among activists
2009	Political and legal initiatives, lobbying; Ladyfests; the turn towards 'feminism and left'

Figure 3.2: The development of the women's movement in Serbia (1991–2013)



Although deeply divided over the process of EU integration, especially in relation to the recognition of Kosovo, Serbia signed the Stabilisation and Association Pact in 2008. Since 2012 it has acquired EU candidate status and in 2014 officially opened negotiations with the EU. For the majority of the period described, the various reports assessed the legal framework in Serbia for civil society organisations as being unclear and inconsistent (Milivojević, 2006) with no substantial changes or progression made since the 1990s. It remains open to what extent The Act on Association (2009) and the establishment of the Government Office for the Cooperation with Civil Society (2011) has improved this situation.

Gender Equality Directorate of the Ministry of Labour and Social Policy (2005) and the Act on Gender Equality (2009).

A number of feminist festivals currently take place in Serbia: the Befem – Festival of Feminist Culture and Action (Belgrade); the FemiNiš – Festival of Women's Activism and Art (Niš); and the Lesbian Activist Festival "Art for Action" (Novi Sad). What these festivals have in common is an orientation toward younger members of the public by placing emphases on queer, feminist and lesbian activism, promoting women's art, and questioning the feminist potential of new media and technology.

In the post-conflict and post-socialist period, feminists became what Zaharijević (2013) has called 'disenchanted', having realised that their form of activism and state feminism has failed to address the structural causes of women's subjugation. This has caused some actors to turn toward political economy and socialist heritage, which is evident in the diverse production under the 'feminism&left' and 'gender&left' labels (Rosa Luxemburg Stiftung, 2014).

The women's movement in Slovenia

With the exception of the 10 days of armed conflict following Slovenia's declaration of independence in 1991, Slovenes managed to avoid the horrors of war that befell their former compatriots. Equally important, the Slovenian government opted for a smoother transition, thereby preserving the elements of the Yugoslav self-management legacy (Bohle and Greskovits, 2012). Due to a strong period of economic growth (1995–2004) and its becoming a member of the EU (2004), Slovenia was perceived to be *the* success story of the post-Yugoslav transition, at least until the latest economic crisis (2008 onward). Notwithstanding its transitional economic success, it has shared with its neighbouring countries a clerical and conservative attitude toward gender relations and feminism – for instance: the anti-abortion campaigns, the referenda for/against the Family Code (2012), and in-vitro fertilisation with bio-medical assistance (2001).

Although the number of newly-founded women's NGOs in Slovenia has increased compared with the Yugoslav period, unlike in Croatia and Serbia there has not been a notable explosion of civil organisations – including women's and feminist organisations – following the declaration of independence. Several factors explain this distinction. Firstly, international donors (with the exception of Open Society Foundation) were not widely present in Slovenia (Jalušič, 2002; Špehar, 2007). Secondly, the relative cohesion and strength of

the state meant there were fewer opportunities for civil society initiatives to step in where the state had failed to provide the initiative (Jalušič, 2002). Thirdly, the first steps toward the institutionalisation of gender equality had already been taken at the beginning of the transition (Jalušič, 2002; Špehar, 2007). These factors explain some of the salient features of the newly formed women's organisations, such as the dominance of informal structures (Špehar, 2007) and the focus on humanitarian work with little or no visibility in the public sphere, which has resulted in a 'depoliticised' form of activism (Hvala, 2007; Jalušič, 1999).

The process of institutionalising gender equality began with the establishment of the Committee for Women's Politics in the Slovenian National Assembly (1990–2000) and was followed by the establishment of the Office for Women's Politics (1992). The latter was renamed the 'Office for Equal Opportunities' in 2001 and has since 2012 been abolished. The Act on Equal Opportunities for Women and Men was introduced in 2002. The formation of the state feminist institutions enjoyed strong support of the women's civil society organisations where, in contrast to Croatia and Serbia, feminist and women's activists did not avoid formal politics. Moreover, they actively participated in the formation of women's party sections and continuously advocated the greater inclusion of women in politics (Rakuš, 2012). From the early and mid-1990s, gender, feminist and women's studies have been included in some of the programmes at the faculties of social sciences and humanities.

The earliest groups to be formed organised around the topics of the political participation of women (e.g. Women for Politics, Prenner Club), against violence toward women (SOS Hotlines), for education (the Gender Studies Group, the Centre for Gender and Politics), and in support of feminist-lesbian activism (LL, Cassandra). The first campaign following Slovenia's independence, more precisely 'the first time in almost forty years that women held their own demonstrations' (Jalušič, 1999: 120), was the pro-choice campaign that was initiated in December 1991. A number of women's groups (Women for Politics, Lilit, Prenner club, Women's Initiative of Koper etc.) (Jalušič, 2002) formed a coalition For Choice that demonstrated in front of the parliament and successfully defended the right to abortion.

As Slovenia became affected by the influx of Bosnian and Croatian refugees, women's groups shifted their attention from activism in the

political sphere to peace advocacy and humanitarian work by providing assistance to the war victims. In the post-war period, women's groups were mobilised in campaigns to raise awareness of sexual harassment at work (campaigns in Slovenia and Croatia in 1997), of violence against women and of the insufficient number of women in politics (for instance the 50–50 campaign by Women's Lobby in 2009). They have also played an active part in advocating and providing support for the legislation regulating in-vitro fertilisation with bio-medical assistance (2001) and the Family Code (2012).

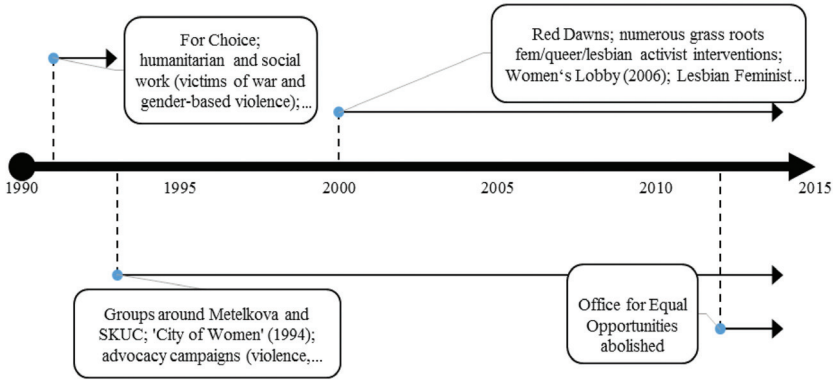
The organisations currently active under the umbrella of the Women's Lobby of Slovenia, which was formed in 2006, constitute eight groups. These include the Slovene Union of University Women, the CEE Network for Gender Issues, the SOS Help Line, the Association against Violent Communication, the Women's Counselling Service, the 'Peace Institute and the Institute for Social Creativity'. In addition to these, other active organisations include: the 'Ključ' Society and Institute Emma (dealing with trafficking and violence against women), as well as Meta's List (for the political participation of women) and the Club of European Women (female entrepreneurship).

From 1993 onward, as a counterpart to state feminism, academic feminism, and later NGO feminism, lesbian and feminist groups started organising within the framework of the autonomous cultural and social centre Metelkova City (Women's Centre, Women's Counselling, Cassandra, Modra, Prenner, LL, Lilit, SOS) (Jalušič 2002). Metelovka City and the Student's Cultural Centre have continued to provide vital infrastructural support for the grassroots lesbian and feminist groups and initiatives, including Lesbian-Feminist University, the REM section for equal opportunities, Žmreza, as well as the gay and lesbian clubs Monokel' and Tiffany.

Table 3.3: The development of the women's movement in Slovenia (1991–2013)

Start year	Event
1991	For Choice; humanitarian and social work (victims of war and gender-based violence); pacifism; the institutionalisation of state feminism; women and gender studies
1993	Groups around Metelkova and SKUC; 'City of Women' (1994); advocacy campaigns (violence, harassment, pol. participation)
2000	Red Dawns; numerous grass roots fem/queer/lesbian activist interventions; Women's Lobby (2006); Lesbian Feminist University (2010)
2012	Office for Equal Opportunities abolished

Figure 3.3: The development of the women's movement in Slovenia (1991–2013)



Some of the above-mentioned groups cooperate on ad hoc initiatives with several other academic, grassroots and NGO groups by turning to the politics of queer and third-wave feminism and attempting to create an opposition to both the patriarchal system, as well as the perceived apoliticality of mainstream feminism.[6]

The most visible manifestation in the Slovenian context is the international feminist and queer festival, Red Dawns. Based on the do-it-yourself model of Ladyfest, Red Dawns is a not-for-profit, self-organised and self-financed phenomenon that tries to established itself as a form of 'feminist-queer counter public' (Hvala, 2010). By combining queer and feminist, art and activism into its programme, along with anti-capitalism and anti-fascism (Hvala, 2010), Red Dawns seek to affirm feminism as a force for emancipation and political subversion within the contemporary socio-political and economic context. In particular, their programme represents an attempt to reconcile the deconstructive challenges concerning the uniform subject of second-wave feminism (Benhabib et al., 1995) with the leftist critique that condemns the domination of the cultural and discursive approaches that is inherent in much of third-wave feminist theory.

6 Some of the activities include: public demonstrations, such as feminist and lesbian graffiti (Hvala, 2008) warning of the commercialisation of the 8th of March (2001); the Festival of Resistance, organised as a reaction to attempts to limit in-vitro fertilisation (2001); the Feminist Initiative's occupation of government offices; and by satirising the politicians opposed to abortion (2006) (Hvala, 2007; Hvala, 2010).

Cross-country comparison

The period of women's and feminist activism in Yugoslavia from 1978 until its break up can be divided into two phases. The initial period (1978–1985) was marked by the influence of academic and journalistic activities that relied on a handful of prominent actors connected through loosely organised discussion groups (Benderly, 1997; Knežević, 2004; Zarkov, 2002). During this phase, a variety of feminist thought was discussed. This ranged from Marxist and socialist feminism to French post-structural feminism. The second phase (from the mid-1980s to 1991) was characterised by a turn to activism and trans-Yugoslav networking. In this phase the methods of raising awareness and topics (such as violence against women, reproductive rights, lesbian movements, sexism in academia and media) were dominated by feminist discourse. By the end of the 1980s and the beginning of the 1990s, as the ethno-nationalistic discourse became pervasively stronger in the public sphere with the likely prospect of political system change, feminists formed the first groups advocating the rights of women to engage politically in order to influence the institutionalised politics that they had previously avoided.

The form of the women's and feminist activism during the 1990s was deeply influenced by the violent dissolution of Yugoslavia and the subsequent developments: the wars in the breakaway states; the nationalist and authoritarian regimes in Croatia and Serbia; the attempted transition to a liberal democracy and market economy; the changes in the legal framework enabling freedom of association; and international promotion of the idea of civil society fostered through international foundations. As a direct response to the crisis, and assisted by international funding and international pacifist and feminist networks, there occurred a proliferation of women's NGOs during the 1990s in Serbia and Croatia and to a lesser degree in Slovenia. The first organisations established focused on human rights and humanitarian work. They provided direct assistance to war victims, organised centres and shelters for women who had been victims of violence, and promoted pacifism and anti-militarism.

Whereas feminists in Serbia and Croatia during the war years (1991–1995/1999), at least those of an anti-nationalist character, generally avoided institutionalised politics, women's groups in Slovenia joined forces to advocate the establishment of gender-equality mechanisms and organised women's sections within political parties.

Due to the differences in political regimes, in transition paths and in foreign policy, institutions were established within the state mechanism of Slovenia at the beginning of the 1990s, which were only established in Croatia and Serbia ten years later.

Besides the international and national political, social and economic factors, the formation and goal orientation of the movements reflected the broader developments within feminist theory. From its beginnings in the mid-1980s, Yugoslav feminist activism was predominantly based on the constructionist approach to gender (Squires, 2000), conceptualising 'sex' as a biological given and therefore as a cross-cultural and cross-historical commonality in contrast to the culturally-specific and socially-constructed concept of 'gender'. The phrases such as 'sisterhood' or 'private is political' helped second-wave feminists to affirm a common identity and mobilise as a political group. Besides the tensions in the relationship between academia and activism, by the beginning of the 2000s, the activism of the younger generation of feminists was influenced by the 'deconstructive turn' (Squires, 2000) and the criticism of ahistorical and universalising accounts of gender that ignored the differences in sexuality, race, class and ethnicity.

Since the mid-2000s in all three countries, albeit to differing degrees, a younger generation of feminist, lesbian and queer activists have organised street actions, grassroots groups and manifestations as a counterpart to the feminism of the state, academia and NGOs. Among the most visible of these groups are those gathered around Metelkova City and the Student Centre in Ljubljana, and those organising Ladyfest and Queer-Feminist Festivals. Although sharing many similarities (such as the do-it-yourself principle, and being not-for-profit, promoting feminist art, connecting feminist politics with 'queer' etc.), these festivals differ in many important aspects. Detailing these however would require theoretical elaboration beyond the scope of this article.

Another strand of feminism that distances itself from the dominant feminist discourse of 1990s is evident in the initiatives, public discussions and educational activities on the left-feminist spectrum which re-emphasise the importance and inseparability of class from the issue of gender and which hark back to the socialist heritage (the 'Anti-fascist Front of Women').

Although representing potentially theoretically contradictory approaches, both tendencies represent an attempt once again to repoliticise feminism' (Vilenica, 2011).

However, if we analyse the registers of civil society organisations[7], we can detect a number of organisations which are not commonly described as 'women's' and certainly not as 'feminist movements'. These are locally based associations of women whose programmes share many values with what Petrović (2011) characterises as the 'pro-patriarchal women's cooperatives' of the first wave of Yugoslav feminism. Consequently, it is not possible to offer a linear narrative of women's organisations in Croatia, Serbia and Slovenia. When both women's and feminist organisations are taken into account, including their various organisational forms as well as their ideological auspices, the pattern resists the common linear classifications in favour of a rather scattered coexistence of the first, second, third (and possibly the fourth) waves of feminism.

Conclusion and recommendations for further research

Due to the initial research stage of the doctoral project, and respecting the formal limitations of the volume, this article has sought merely to sketch the basic features of the movements in question. To gain deeper insights into the topic, future studies will be required. With this in mind, based on an overview of the existing scholarship of the women's and feminist movements in the respective countries, several important areas can be recommended for further research. Generally, there is a gap between the well-researched period of the 1990s and under-researched period post-2000 in all three countries. Furthermore, a systematic empirical analysis of 'state feminism', highlighting not only the responsibilities of the state bodies, but also the women's organisations is also an area that needs to be developed. We also lack empirical studies into the organisational practices and modes of governance. This makes the current diagnoses of these aspects potentially risky and misleading for the development of the women's movement. Lastly, we would welcome studies which

7 The directory of non-governmental organisations of the Centre for the Development of the Non-Profit Sector and the Serbian Business Registers Agency (Serbia); the Centre for Information, Participation and Development of Non-governmental Organisations and The Agency of the Republic of Slovenia for Public Legal Records and Related Services (Slovenia); the Register of Associations of the Republic of Croatia (Croatia).

analysed the features of a possible 'third-wave feminism', as well as the dynamics and coexistence of such a third wave with its antecedent variations and possible future developments.

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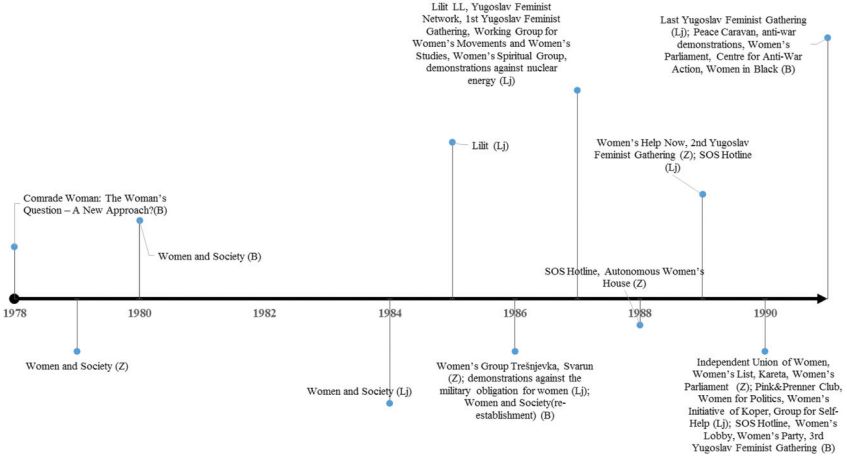
Appendix 3.1: The Yugoslav women's movement in Belgrade (B), Ljubljana (LJ) and Zagreb (Z) from 1978 to 1991

Start year	Event
1978	Comrade Woman: The Woman's Question – A New Approach?(B)
1979	Women and Society (Z)
1980	Women and Society (B)
1984	Women and Society (Lj)
1985	Lilit (Lj)
1986	Women's Group Trešnjevka, Svarun (Z); demonstrations against the military obligation for women (Lj); Women and Society(re-establishment) (B)
1987	Lilit LL, Yugoslav Feminist Network, 1st Yugoslav Feminist Gathering, Working Group for Women's Movements and Women's Studies, Women's Spiritual Group, demonstrations against nuclear energy (Lj)
1988	SOS Hotline, Autonomous Women's House (Z)
1989	Women's Help Now, 2nd Yugoslav Feminist Gathering (Z); SOS Hotline (Lj)
1990	Independent Union of Women, Women's List, Kareta, Women's Parliament (Z); Pink&Prenner Club, Women for Politics, Women's Initiative of Koper, Group for Self-Help (Lj); SOS Hotline, Women's Lobby, Women's Party, 3rd Yugoslav Feminist Gathering (B)
1991	Last Yugoslav Feminist Gathering (Lj); Peace Caravan, anti-war demonstrations, Women's Parliament, Centre for Anti-War Action, Women in Black (B)

Appendix 3.1: The Yugoslav women's movement in Belgrade (B), Ljubljana (LJ) and Zagreb (Z) from 1978 to 1991



4 CIVIL SOCIETY SINCE THE 1980s ON THE TERRITORY OF SLOVENIA

Danica Fink-Hafner, Mitja Hafner-Fink and Meta Novak

Introduction

The development of civil society in Slovenia has been shaped by both the processes at work in the socialist former Yugoslavia as well as by the theoretical debates and social movements in the West and in central Europe. Indeed, inspired by the vibrant changes taking place abroad during the 1980s, Slovenian theorists and practitioners of civil society created an alternative to the socialist political system in Slovenia. In doing so, they confirmed the thesis that the process of democratisation in transition countries is aided by having land borders with democratic countries (Gasiorowski and Power, 1998).

In this chapter, we will analyse the key characteristics of the developments of civil society in the context of Slovenia's transition to democracy, its progress in nation-building and its European integration. Our main thesis in this chapter is that Slovenia's experience in the context of the latest wave of democratisation is idiosyncratic, and that this is due to a combination of the following: the gradual development of an oppositional civil society; the transformation of the old political elite; the period of economic and political liberalisation in the 1980s; the fact that Slovenia's ethnic unification acquired an element of 'defensive' nationalism; and its peaceful transition via democratic elections that gave representation to both the political opposition (Demos, which won the parliamentary elections in 1990) and to the successor of the reformed League of Communists of Slovenia. Since the 1980s, civil society in Slovenia has evolved both in

conceptual terms and in terms of its organisational characteristics. The following primary factors have impacted on these developments: the characteristics of Slovenia's political system; Slovenia's joining the European integration processes; and the recent international financial and economic crisis.

In the following sections we will present a theoretical and ideological framework of civil society developments in Slovenia, the role played by civil society in Slovenia's transition to democracy, and the characteristics of the modern interest group and neo-corporatist developments in the context of consolidation of democracy. European integration processes and the recent international financial and economic crisis are taken into account as factors impacting on both the politics of Slovenia's interest groups and on its neo-corporatism.

The theoretical conceptualisation of civil society as an ideological basis for opposition movements

The most prominent debate during the latest wave of transitions to democracy criticised the subordination of all social sub-systems to the political system and addressed the prerequisites for transforming a non-democratic (socialist) regime into a democratic system. In fact, in the transitional countries, public debate predominantly focused on liberal democracy as a form of government; the question of a capitalist economy was missing from the debate. In this sense, the slogan 'the rule of law and a market economy' was not based on adequate consideration of the outcomes, for while there had been much discussion of the expected outcome of political democratisation, little thought had been given to the effects of transitioning to a capitalist economy. The fundamental question in these debates was about the struggle for modern citizenship. From this perspective, it is understandable that the distinction between civil society and the state attained such a central position in the debates.

The *civil society* debate, however, emerged primarily in the West rather than in the East. In the West it was closely related to criticism of modern politics and the affirmation of a new post-modern politics and the emergence of new social movements (see Cohen and Mack eds., 1985). It was no accident that the debate on civil society in socialist countries for the most part criticised the pre-modern, monistic politics, since the establishment of modern politics had in fact been a pre-condition of pluralist politics. Therefore the fact that the

Communist Party was indistinguishable from the state meant that its overall control of all main social spheres had to be first cracked in order to make room for pluralism – including both modern and post-modern political subjects. In fact, the emerging definitions of civil society in central and eastern Europe in the context of the disintegration of communist regimes represented a decoupling of the state and the party as well as the end of the subordination of all social subsystems to the political subsystem. Civil society became a synonym for a society of citizens, for political freedom and social autonomy inseparable from a society of citizens (Bibič and Graziano, 1994). Civil society was directly linked to the newly emerging social movements and their struggle for political democracy (Erlich, 1994: 9). Although some neo-Marxists revived the debate on the concept of civil society, they actually reversed one of Marx's most fundamental assumptions, thereby becoming post-Marxist in their criticism of socialist authoritarianism (Arato, 1994).[1] Indeed, the concept of civil society became a counter-ideology to communism (von Beyme, 1994).

The debate on civil society in Slovenia during the 1980s (see Hribar, 1987; Adam, 1987; Gantar, 1987; Gantar and Mastnak, 1988a; Gantar and Mastnak 1988b; Gantar, 1994) was inspired by both external factors (especially the experience of Solidarity's struggle with the state in Poland and the international discussion on civil society) as well as by internal factors, such as the transformative processes taking place especially in the second half of the 1980s. Three competing notions dominated public and academic debate: civil society as a social opposition composed of social movements; civil society as a self-managing society; and civil society as a relational concept resulting from the modernisation process (Adam, 1987). In fact, we can say that by inventing 'socialist civil society' the self-managing concept clashed with the other two (see Mastnak, ed., 1985; Bibič, 1986, 1987). However, an attempt to reconcile the idea of socialist self-management with the idea of civil society, or rather to modernise the socialist self-management ideology, was unconvincing, especially because it continued to reject the idea of competitive political pluralism. The other two concepts remained quite general. During the

1 The young Marx's demand, that the separation and differentiation of state and civil society should be overcome, was criticised for being a justification of the Marxist statisation of all aspects of social reality (Arato, 1994: 4). The neo-Marxist criticism of socialist authoritarianism went hand in hand with the (post-Marxist) call for a state-society dichotomy (ibid: 3).

consolidation stage, the notion of civil society as a social opposition faded away due to the decline of transitional social movements and due also to their partial transformation into political parties. Meanwhile, the relational concept has somehow endured through academic analysis of the third sector in relation to the welfare state, in trade union politics and neo-corporatism, as well as in research into interest groups and lobbying in Slovenia.

The transition to democracy in Slovenia: transplacement

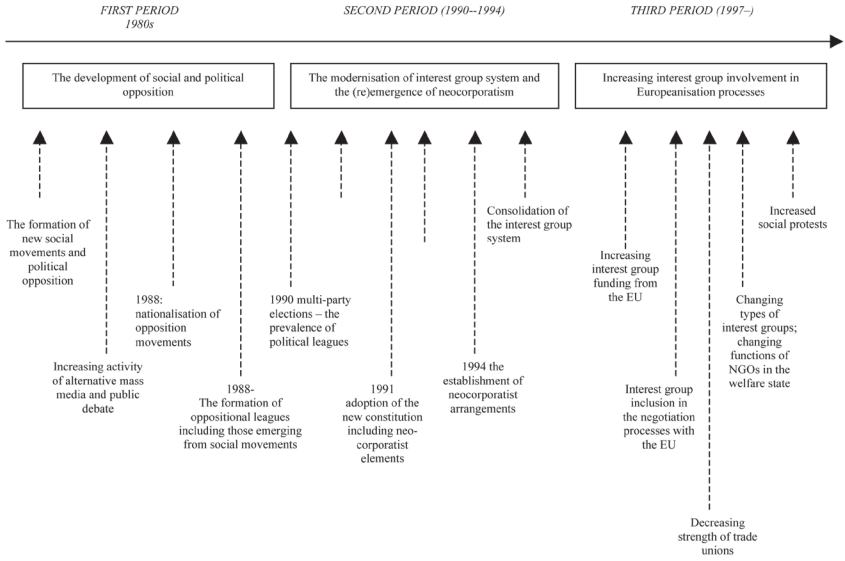
While Slovenia was not among the first European post-socialist countries to depart from a socialist economic and political system, it shared more socio-economic and political characteristics with the central European post-socialist countries than it did with the countries emerging from the former Yugoslavia (for a more detailed account see Vrcan ed., 1986; Jambrek, 1988; Ule, 1988; Fink-Hafner and Robbins eds., 1997; Toš, 1968: 96; Toš, and Miheljak eds., 2002).

Democratic transition in Slovenia was the result of both the activities of a relatively strong, but not fundamentalist, civil society and the reformed old Slovenian political elite. As a result, the reformed League of Communists of Slovenia gained the largest share of any single party at the first multi-party elections, and its president, Milan Kučan, who had been in power during the liberalisation stage in Slovenia, became the first president to be elected based on the new constitution (adopted in 1991). In fact, Slovenia's experiences are close to what Huntington calls *transplacement* and what might be termed *ruptforma* if we take Linz's classification into account (Huntington, 1993: 114). Besides this characteristic, Slovenia's idiosyncrasy within the former Yugoslav context was also evident in the change in the dominant values and the political culture during the eighties. Various studies on the social structure, political culture, youth and national elites within the framework of the League of Communist Yugoslavia in the 1980s (Jambrek, 1988/1989; Šiber, 1989; Grdešić et al., 1989; Hafner-Fink, 1994; Ule, 1988) showed that, more than any other Yugoslav republic (with Croatia a partial exception), Slovenia leaned toward a political culture similar to the pluralistic political cultures in the West.

The evolution of civil society in Slovenia since the 1980s could be said to be characterised by three stages (Figure 4.1). The process of

political modernisation evolved through the *bottom-up* mobilisation of new social groups, especially the mobilisation of social groups marginalised under the socialist monistic system (such as: farmers-peasants, craftsmen, private entrepreneurs, the young, the religious or ideological dissidents), and by the top-down reforms. The new political system emerged in the context of the rise of the modern participative political culture, social mobilisation, an increase in functional differentiation, structural pluralisation, democratisation, the birth of new political elites, the emergence into politics of either new (or long-neglected) social groups (such as: the religious, farmers, craftsmen and entrepreneurs), the creation of a political market (free, pluralistic elections), national integration and the formation of new symbols of common national, social and cultural identity. The ideology of 'Europeanisation' was acceptable to both the old and new economic and political elites alike, as well as to citizens, and thus replaced the old socialist ideology. Europeanisation was formulated as the economic and political strategy as well as a force for mobilisation and modernisation.

Figure 4.1: The critical junctures of civil society development in Slovenia



As values began to change from the end of 1970s, ideology and interest organisational pluralism increasingly evolved in the social sphere. Civil society developments in Slovenia, however, began life on the social margins (Fink-Hafner, 1990/1992; Ramet, 1995). Pluralisation, which meant escaping the control of the one-party system, first started in the sub-culture sphere with the emergence of the punk movement at the end of the 1970s (see Tomc, 1985). In fact, the punk movement is considered to be the first new social movement in Slovenia. It was followed by other newly-developed social movements that made up the emerging social opposition (such as the peace movement, the ecological, the spiritual, the feminist movements etc.). Also some pre-existing interest associations (such as the Writers' Association and the Sociological Association) started to engage in politics autonomously and critically. Furthermore, the petition movement began to strengthen during the 1980s and the struggle for a public space for an autonomously organised civil society went hand in hand with the creation of a new mass media as well as the internal pluralisation of the existing media (Bašić Hrvatin, 1997). The opposition movements were especially supported by the local Radio *Študent* (Student Radio) and the weekly journal *Mladina* (Youth), sponsored by the *Zveza socialistične mladine Slovenije* – ZSMS (the League of the Socialist Youth). The opposition intellectuals joined forces on *Nova revija* (New Journal). Thus, by all accounts, civil society in Slovenia during this period was strong and active (Mastnak, 1994).

The autonomous civil society agents pluralised and the level of opposition networking peaked in 1988, when all social opposition groups united behind the campaign in support of the human rights of the four sentenced by the Military Court in Ljubljana. In fact, it was at this point that the social opposition gained some defensive nationalist characteristics (Klinar, 1991). The nationalist aspect of social movements in Slovenia primarily evolved in the context of increasing pressure from the federal Yugoslav forces on Slovenian territory which remained hostile to Slovenia's liberalisation trajectory. In this sense, 1988 represented the climax of the social opposition in Slovenia, and at the same time, also the beginning of a *political* opposition with liberal as well as some defensive nationalist characteristics. Once the first oppositional political party had been established in 1988, many new political parties followed. The old political elite faced pressure from the domestic opposition and from the

federal centre against the democratisation processes; thus, it finally opted to support the opposition alternative and chose to transform the economic and political system and to pursue the creation of an independent Slovenian state. The first free elections in 1990 marked the declining political visibility of the new social movements and the beginning of the current economic and political system, based on the 1991 constitution (see more in Fink-Hafner, 1992).

All in all, it can be said that the new social movements played a significant role not only in changing Slovenia's political-cultural value systems, but also in setting new issues on the public agenda (Fink-Hafner, 1992). These issues included human rights, which are essential for a liberal conception of democracy, as well as certain post-modern rights, such as the right of conscientious objection, gay rights, as well as peace and ecology issues. The new social movements also significantly influenced the programmes of the new political parties. Meanwhile, the social movements themselves became organisational sources for new parties – for instance, the new 'Green Party' evolved from the ecological movement. As with a number of the social opposition movements from the 1980s (especially the Writers' Association), the new social movements provided the cadre resources from which new segments of the political elite were recruited following the 1990 spring elections.

From the oppositional civil society of the 1980s to the recent modernised interest group system

Following Slovenia's transition stage, certain social movements have ceased to exist. The alternative media movements have mostly faded away or have aligned themselves with particular clusters of parties. Professional societies that had participated in the opposition movements during the 1980s became depoliticised. However, a modern type of civil society increasingly comparable to the civil societies in the West began to develop. As before, it was composed of both pro-modernising pre-existing interest groups and completely new interest groups.

The proliferation of interest groups and the transformation of the economy is evident both in the change in the typology of organisations recognised in the official statistics as well as in the rapid growth in the number of organisations officially registered (Table 4.1).

Table 4.1: Number of organisations in Slovenia 1980–1992

Year	Enterprises	Social organisations	Societies	Societies & social organisations	Organisation (all)	Enterprises& organisations
1980	-	45	5,261	5,306	16,304	-
1981	-	1,539	5,715	7,254	17,111	-
1982	-	1,623	6,266	7,889	18,002	-
1983	-	1,704	6,627	8,331	18,480	-
1984	-	2,037	6,793	8,776	18,903	-
1985	-	3,783	5,444	9,227	19,292	-
1986	-	8,600	899	9,499	19,177	-
1987	-	9,484	407	9,891	19,716	-
1988	-	9,651	417	10,068	19,614	-
1989	-	9,827	430	10,257	19,177	-
1990	14,597	10,073	450	10,257	15,967	30,564
1991	23,348	10,398	494	10,892	15,587	38,936
1992	36,448	10,865	588	11,453	15,731	52,179

Source: Zavod za statistiko RS, Statistični letopisi 1977–1994.

Based on research by Fink-Hafner (1997), the following trends in interest politics can be observed. Some social movements from the 1980s persisted into the early 1990s (e.g. local and regional green groups, regional feminist groups, and the pro-life movement). New single-issue groups were established focusing on solving the common problems of their particular representative groups of citizens. Among these were the Angry Savers of the Syndicate of Renters of Denationalised Flats, the Society of Taxpayers, the Parents' Club for Better Schools, the Society of Equal Opportunities for Men and Women, and the Forum for a Cultural Policy Programme. While some regional interest groups were formed as a reaction to the increasing centralisation of government (such as the Forum of Slovenian Štajerska and the League of Primorska), some international organisations also established their branches in Slovenia (e.g. the Rotary Club, the Lions). Some interest groups that had existed under the old system were able to successfully transform and continue with their policy-oriented activities in the new landscape. First of all, there was the Chamber of Commerce, the trade unions and other lobbies from the economic sphere, but also certain others, such as the League of Consumers of Slovenia and the Ljubljana Students' Organisation.

Table 4.2: Number of organisations in Slovenia 1993–2003

Year	Enterprises	Social organisations	Societies	Societies& social organisations	Organisation (all)	Enterprises& organisations
1993	47,734	11,367	743	12,110	16,364	64,098
1994	51,038	11,947	911	12,858	17,012	68,050
1995	52,053	12,299	1,076	13,375	17,319	69,372
1996	52,580	12,720	1,239	13,959	20,098	72,678
1997	53,557	503	15,208	15,711	22,204	75,761
1998	54,927	349	14,626	14,975	22,078	77,005
1999	56,473	303	15,440	15,743	23,693	80,166
2000	49,291	261	16,194	16,455	24,913	74,204
2001	48,871	233	17,103	17,336	25,868	74,739
2002	46,346	212	17,950	18,162	27,302	73,648
2003	45,140	57	18,872	18,929	28,330	73,470

Source: Statistični urad Republike Slovenije, Statistični letopisi 1994–2004.

Table 4.3: Number of organisations in Slovenia 2006–2013

Year	Enterprises	Societies, associations	Organisation (all)	Enterprises& organisations
2006	49,534	20,790	30,789	80,323
2007	50,314	21,212	30,965	81,279
2008	56,768	21,479	31,687	88,455
2009	60,138	21,583	31,940	92,078
2010	61,628	21,981	32,442	94,070
2011	63,514	22,374	33,002	96,516
2012	66,185	22,713	33,477	99,662
2013	68,416	23,075	33,952	102,368

Source: Agencija Republike Slovenije za javnopravne evidence in storitve, Poročila 2006–2013.

Empirical research from 1991, 1992 and 1994 reveals that only a relatively small section of interest organisations were in fact actively involved in policymaking in Slovenia (Fink-Hafner, 1997: 116–121). However, MPs observed that interest group activity had increased rapidly in the first half of the 1990s (Fink-Hafner and Krašovec, 2005). Not surprisingly, all the research to date confirms that the density of interest group involvement as well as the patterns of relationships between interest groups and state actors varies considerably among policy fields (see Fink-Hafner, 1997/1998/2007).

Interest organisations have also increasingly been gaining new functions in the new system. Although Slovenia resisted external

international pressure in favour of privatising gradually and selectively, it did introduce a new welfare-state paradigm involving privatisations within the framework of social policies (Kolarič, 2012: 291–297). In this context, the idea of public-private partnerships has increasingly gained currency in Slovenia, while interest organisations (in this field usually called 'the third sector') have been acquiring functions which in the past had been performed by the state (Kolarič, 2012: 295).

Table 4.4: The main financial resources of the most active interest groups in eleven policy fields in Slovenia

	per cent 1996	per cent 2012
Membership fee	47.8	45.4
Individual donations	2.9	1.0
Other CSO	0.0	4.1
Contributions from sponsors	2.9	1.0
State budget	21.7	12.4
Local community budget	1.4	0.0
Public agencies	0.0	4.1
Contract with government – services	2.9	8.2
Lottery	11.6	9.3
Registration fees for conferences	0.0	2.1
Inflow from own resources	5.8	3.1
EU programmes	0.0	8.2
Private national or foreign funds	1.4	1.0
Other	1.4	0.0
Total	69 (100.0)	97 (100.0)

Source: Fink-Hafner et al., 2012

Compared with other post-socialist countries, Slovenia can be said to have developed a modest participatory political culture and an environment that is relatively friendly toward civil liberties (Ágh and Ilonszki eds., 1996; Pérez-Solórzano Borragán, 2004/2006). However, unlike many other post-socialist countries, Slovenia's NGOs have lacked the support of both the government and external donors. Paradoxically, the success of NGOs in obtaining EU financial support also became a cause of financial problems due to the delays in the EU actually paying out the money. Thus, in spite of the relatively homegrown character of Slovenian civil society, based on a rich tradition of associations since the nineteenth century, the

NGO Sustainability Index reports that Slovenian NGOs are still considered to be 'in transition'. Although Slovenian citizens quite readily engage as members of civil society organisations and as volunteers, this does not sufficiently resolve the shortage of financing for civil society organisations and subsequently the rather low levels of professionalisation (Rakar et al., 2011). According to Rakar et al. (2011: 29) organisations are predominantly financed by membership fees followed by contributions from municipalities' budgets and donations from companies. The 1996 and 2012 surveys of the most active interest groups in 11 policy fields in Slovenia confirm this information (Table 4.4).

Neo-corporatism and social partnership

Corporatism has roots in Slovenia's history as well as in the former Yugoslav system of self-management. The 1991 Constitution introduced a parliamentary system and partly reaffirmed the corporatist traditions. The National Council (the upper chamber of Slovenian parliament) is a forty-member body elected indirectly for five years representing various local and functional interests. The seats are divided among local interests (holding a majority of seats), employers, employees, farmers, craftsmen and independent professions, and non-economic activities. Although it was founded as an advisory body independent of political parties, it has not remained immune to party politics.

Besides the corporatist elements in the new constitutional system of the early 1990s, new institutional forms of (neo-) corporatism and embryonic consultative politics also emerged (see more in Lukšič, 1994). Unlike in the Visegrád countries and the other countries emerging from the former Yugoslavia, neo-corporatism in Slovenia had been able to opt for a gradual economic transformation (including privatisation) as well as an extensive welfare state that included high levels of social transfer, which among others ensured comparatively high levels of social equality (Lučev and Babić, 2013). Indeed, the development of neo-corporatist arrangements ensured a balance between liberalisation and a socially inclusive welfare state (Bohle and Greskovits, 2007; Stanojević and Krašovec, 2011).

However, neo-corporatist arrangements had to be fought for. They evolved from a wave of strikes in 1992 (Crowley and Stanojević, 2011: 281). Stanojević and Krašovec (2011) have stressed that Slovenia was

the only post-socialist society in which social pacts have been systematically concluded since the mid-1990s and have also been relatively influential and efficient mechanisms in the formation and legitimisation of public policies. Since 1994, neo-corporatism has taken the form of a tripartite body – the Economic and Social Council. Nevertheless, there have been highs and lows in the social partnership. Not only do the trade unions (as well as employers' organisations) have a fixed number of seats in the upper chamber of parliament, they have also been known to lobby the lower chamber. In fact, trade unions have regarded the lobbying of parliament as more important when the social partnership has been less institutionalised. This goes hand in hand with the institutional solution, whereby all the key decisions reached in the Economic and Social Council go through the parliamentary procedure in the lower parliamentary chamber (the National Assembly).

Social pacts began to emerge in Slovenia during the period of relative stabilisation and growth and were made possible by the power of the trade unions at the time (Stanojević, 2005; Stanojević and Krašovec, 2011). Since Slovenia joined the EU (2004) and the Eurozone (2007), neoliberal economic pressures have increased while at the same time trade union membership has been declining. In the period from 2003 to 2008 membership declined by almost a third (Stanojević and Krašovec, 2011). In 2006, the Chamber of Commerce, once the main negotiator on the employers' side, lost its obligatory membership due to the Law on Economic Chambers/*Zakon o gospodarskih zbornicah* (Ur.l. RS, št. 60/06). These factors, combined with the start of the left-right alternating governments, increased government instability; the impact of the international financial and economic crisis added to the deinstitutionalisation of the social partnership. The mass rally of November 2005 organised by trade unions has been followed by broader social protests. The protests have so far been able to block, postpone or at least de-radicalise the policy measures that recent governments have attempted to implement under pressure from the international financial organisations and from the Eurozone authorities.

The impact of joining the European integration processes on interest group politics and on Slovenia's neo-corporatism

Various external factors, including international organisations such as the World Bank and the International Monetary Fund, have been promoting liberalisation and privatisation in post-socialist countries. Post-socialist countries with large foreign debts followed foreign advice quite radically (Bohle and Greskovits, 2007). Furthermore, the EU's enlargement policy has also promoted liberalisation and privatisation – together with the promotion of democracy in the countries that joined the EU as part of the 2004 enlargement wave (Schimmelfennig, 2009). Slovenia managed to maintain its gradualist approach and the social partnership right up until the most recent international financial and economic crisis which crippled the country with foreign debts (see more in the section on the impact of the recent international financial and economic crisis).

Nevertheless, Slovenia's inclusion in the European integration processes has impacted on the politics of its interest groups in several ways. Firstly, it has changed the institutional opportunity structure for interest group activities. Secondly, it has additionally internationalised some interest group segments. Thirdly, it has impacted on the interest group political culture. Fourthly, it has changed interest group organisational modes. And fifthly, it has impacted on the influence of interest groups within the national (and EU) political system.

Changing the institutional opportunity structure. The research into relationships between interest groups and parliaments has so far demonstrated that the variations in these relationships have not only been determined by the constitutional system and its changes, but also by national system adaptations to Slovenia's integration into the EU political system (Fink-Hafner, 2011). Indeed, membership of the European Union has strengthened the national executive in relation to both interest groups and the parliaments in older EU member states (see Norton ed., 1996; Maurer and Wessels eds., 2001; Raunio, 2008). The same has been found to be the case in the new EU member states, notably in Slovenia (Fink-Hafner, 2013). Grabbe (2003) had warned that this trend confirms the EU has exported its democratic deficit to its new member states.

The internationalisation of interest groups. Since joining the European Union, Europeanisation has been one of the crucial processes to

have influenced the characteristics of Slovenian society. In the period since 1996, when Slovenia opened negotiations for EU accession (which were concluded in 2003), those interest organisations which have been the most active in their contact with decision-makers and in the policymaking processes have not limited their activity to within their national borders. The surveys of the most active interest groups[2] from 11 selected policy fields[3], conducted at two points in time, in 1996 and 2012, have revealed that in 2012, 76.3 per cent of the organisations surveyed were also members of international organisations – compared with 66.7 per cent in 1996.

EU links have also provided a source of support for interest groups in the domestic milieu. Many of the organisations interviewed turn to similar organisations abroad when attempting to influence policymaking at the national level in Slovenia. Again, the share of the organisations interviewed that receive support from abroad increased between 1996 (57.4 per cent) and 2012 (66 per cent). Support may not only be financial or material. In fact, knowhow and experience remain the most important forms of support provided at both time points. This support has included exchanges of experience, letters of support from interest groups in other European nations sent to Slovenian decision-makers, as well as moral support. Despite the fact that organisations rarely receive financial support from international organisations, networking may help them to acquire funding from European structural funds. In has been revealed that organisations from Slovenia for the most part turn to the EU for support. However, some organisations receive most of their support from other international organisations and a few from national organisations that are not EU member states.

Change in the political culture of interest groups. The whole process of

2 Empirical data was gathered in 1996 within the project framework (L5-7832) Policy Networks and Lobbying in Slovenia, financed by the Slovenian Research Agency and in 2012 within the project framework (N5-0014) and INTEREURO (10-ECRP-008) co-financed by the European Science Foundation and the Slovenian Research Agency. More on INTEREURO see in Beyers et al. (2014) and at www.intereuro.eu.

3 The population consisted of the most active interest groups from 11 policy fields (economic, social, housing and agricultural policy, policy for the disabled, environmental, health, education, culture, sports policy and policy in the field of marketing/public relations). The interest groups were those which had been identified by previous empirical research as well as by consulting researchers in the particular policy sectors in Slovenia.

Europeanisation has also had an impact on the level of activity of interest groups and has changed the structure of interest-group types over the last 16 years. The same organisations that participated in both surveys proved to be more active in 1996 than in 2012 when we looked into the level of activities oriented toward influencing policymakers (Fink-Hafner et al., 2014a). Interest organisations in 2012 on average dedicated more time to activities such as: organising substantial action to solve broader social problems; organising leadership training or training members to lobby successfully; drafting bills or amendments to bills in procedure; making contact with the persons who make decisions on the problem areas in which the organisation/group seeks a solution; and implementing or commissioning research about the social problems the organisation/group is addressing.

Changes in interest group organisational types. Social and political transformation, such as the process of Europeanisation, has not only affected the increased the level of activity but has also changed the characteristics of interest groups based on their level of political behaviour. Indeed, the typologies of interest groups that were inductively revealed in 1996 and in 2012 differ among themselves (Fink-Hafner et al., 2014b). Based on data gathered in 2012, the typology was much more diversified and the types differed from one another to a greater extent than the types revealed in 1996. In general, this data shows some evidence of a causal link that 'the more Europeanised interest groups are the more active they are' (Fink-Hafner et al., 2014b). However (as also noted by Fagan and Jehlička, 2003), further research is needed to identify the appropriate qualifications of the impact of European integration on national interest-group politics.

Interest-group influence within the national (and EU) political system. Networking with European counterparts and receiving support from European umbrella associations and similar organisations from other EU member states has enabled Slovenian interest groups to become more influential in the various stages of domestic policymaking. Interest organisations with EU links have been more successful in influencing the agenda-setting stage (the crucial stage in a policymaking process) – both putting issues on the agendas of the national political institutions and getting them removed (Fink-Hafner, 2007; Intereuro Project, 2014). Furthermore, links with European counterparts have contributed to a greater visibility among non-state actors as well as their success in changing legislation and actively participating in the implementation stage (Fink-Hafner, 2007: 36–37).

When it comes to the role of Slovenian interest groups in EU policymaking, the research shows that even the most active Slovenian interest groups (Intereuro Project, 2014; Beyers et al., 2014) significantly lag behind the interest groups from older and larger EU member states (the Netherlands, Germany, the UK). In comparison with the older and larger EU member states, a distinctly smaller share of Slovenian interest groups provides information to both national and EU institutions.[4] Slovenian interest groups primarily provide information to the national government but even this strategy is underdeveloped compared with the interest groups operating in the older member states, which are more active at the EU level – particularly in providing information to the European Parliament (Hafner-Fink et al., 2014). The low level of engagement in EU policymaking was also evident from the chosen lobbying methods and techniques. While interest groups from older and larger member states (especially the UK and Germany) often use various methods and techniques, Slovenian groups use fewer methods (ibid.). The data also reveals the phenomenon that, in the process of the EU policymaking, Slovenian interest groups often accept a subordinate role and adopt the position of the EU umbrella organisation and use information provided to them from 'above'.[5]

The impact of the international financial and economic crisis

The international financial crisis hit Slovenia shortly after it joined the EU at a time when Slovenia's economic growth was based on its easy access to foreign finance. This was also a period in which public finances had been (mis)used for the self-serving privatisation of the economy by Slovenia's 'taykoons'. In the early stage of the crisis, the Slovenian government decided to continue covering the increased social transfers, thus increasing the public debt. At the same time,

4 Only one-fifth (precisely 22 per cent) of Slovenian interest groups provide information to both the national and EU institutions, while in older and larger member states this proportion exceeds four-fifths (from 84 per cent in the Netherlands to 100 per cent in the UK) (Hafner-Fink et al., 2014).

5 Data from the INTEREURO project shows that almost 90 per cent of Slovenian interest organisations regard members of umbrella organisations as messengers conveying a common position to the national decisionmakers. In all other states included in the INTEREURO survey, this proportion was below 50 per cent (INTEREURO Project, 2014).

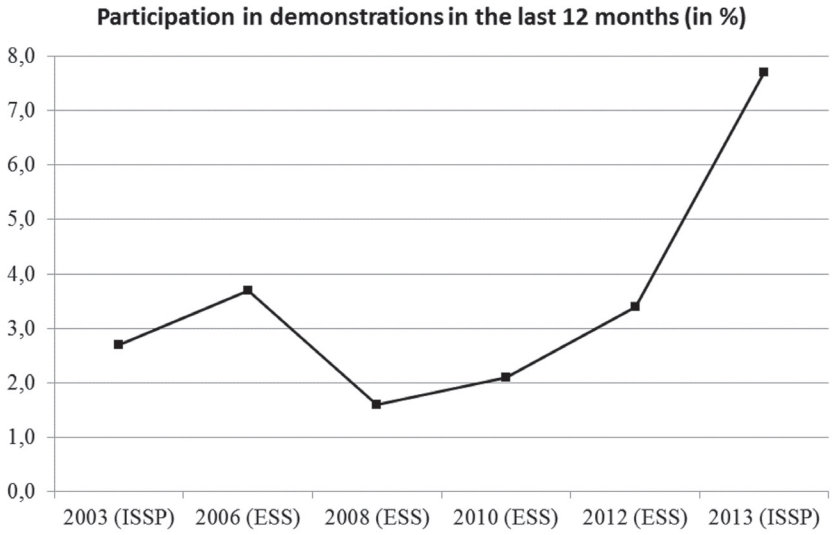
Slovenian banks, citizens, the non-financial sector and the state relied on loans from abroad. Thus, Slovenia's economic activity became stifled by the negative investments of the banks and the extraordinarily high share of enterprises in credit banks (Mencinger, 2012: 77, note 25). Therefore, the state slipped into a position in which it became vulnerable to the external pressures which called for it to make decisions on economic and social policies; this included the Slovenian government ultimately acting against the social protests against the austerity measures. Even though Slovenia has joined the ranks of the problematic countries at a point in time when the logic of the austerity measures as a way out of the crisis is being severely questioned, and even the IMF has even admitted it may have been wrong, the EU has in fact persisted in pressuring Slovenia to implement the required austerity measures in full (see more in Fink-Hafner, 2013).

While the pattern of subordination of the national executive to external pressures and its relative strengthening in relation to the national legislative and social partners did not begin with the international financial and economic crises, the crisis certainly accelerated the existing trends in weakening the parliament in relation to the executive, and in the weakening of social partnership in general and trade unions in particular (Fink-Hafner, 2013). However, in Slovenia where social partnership has been more institutionalised than in other post-socialist countries, it has been harder to disregard it even in the circumstances of the decline in trade-union power. Nevertheless, an exceptional intervening factor, such as the recent financial and economic crisis, has increased the opportunities for external forces to reinforce the existing domestic trends toward the de-institutionalisation of social partnership.

Furthermore, the financial viability of civil society organisations significantly decreased due to the financial crisis and the corresponding budget cuts (Civil Society Organisation Sustainability Index 2012) (USAID, 2013). Nevertheless, the response of the humanitarian organisations to the increasing poverty in the country has won it much support, as has been the case for fire brigades and other organisations which exist to help citizens solve practical problems (ibid). By contrast, many civil society organisations have been losing citizens' trust either due to their inability to respond successfully to citizens' expectations (for example, trade unions) or even due to their involvement in various scandals, including financial misconduct and corruption (for example, the Catholic Church).

During the last few years, the protest movements in Slovenia have been closely related to the government's austerity measures. In April 2012, trade unions organised the largest strikes since 1991. Demonstrations organised through social media took place in Maribor and Ljubljana (Lajh, 2008–2014). Survey data for the last decade (2003–2013) shows that the participation of adult Slovenians in these demonstrations was at its lowest level in 2008 (1.6 per cent) from which point we can trace a steady growth to the highest level in 2013 (7.7 per cent) (see Figure 4.2).

Figure 4.2: Participation in protests among adult Slovenes – taking part in lawful demonstrations in the period 2003–2013 in percentages



Sources: ISSP 2004 and 2014; ESS 2006, 2008, 2010 and 2012.

Conclusions

Since the 1990s, Slovenia's civil society has been regarded as a key player in a struggle against an undemocratic state and undemocratic governments. Nevertheless, the occasional phenomena of nationalism and 'bottom-up' totalitarianism have emerged in the form of the mobilisation of citizens, and these have been criticised.

Although, the 'iron law' of democratisation (increasing numbers and forms of interest groups as well as their pressure on public policymakers) has proved to work in Slovenia, civil society in terms of a modern interest-group system has not developed the characteristics found in older democracies. Particularly in the early stage of development of a modern interest-group system, the emergence of a party monopoly in interest intermediation (as Linz, 1990 and Arato, 1994 warned of) limited the space for organised interests.

Nevertheless, the lesson to be learned from the recent Slovenian experience is that strong, professional, organised interest groups and their engagement in policymaking do not automatically translate into more democracy (Fink-Hafner, 1998). As citizens have become more aware of the non-transparent influences of economic interests (including also corruption) on government decision-making, they have become increasingly cynical about policymaking and about politics in general (see Center za raziskovanje javnega mnenja, 2014; Toš and Broder, 2014). In times of crisis, Slovenia's citizens seem to count on elections and forms of unconventional political behaviour as the main channels for the direct expression of their will.

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5 THE POLITICAL AND INSTITUTIONAL DETERMINANTS OF CIVIL SOCIETY DEVELOPMENT IN CROATIA SINCE THE 1980s

Zdravko Petak and Igor Vidačak

Introduction

A developed and vibrant civil society is generally considered one of the basic prerequisites for democratic consolidation. It is also one of the indicators of the maturity of a modern democracy. Civil society played an essential role in the democratic transformation of post-communist societies and there is a substantial amount of literature on the topic. However, there remains a lack of evidence-based research on the creation of an enabling environment for the development of civil society in new European democracies as well as a lack of data that could clarify the causal link between civil society and democracy.

Broadly speaking, civil society is commonly defined as the space between the family, the state and the marketplace where citizens associate in order to advocate common interests (Heinrich and Naidoo, 2001; Anheier, 2004; Bežovan, 2004). While descriptions may vary across the academic literature, and across institutions and countries, civil society generally includes a wide spectrum of self-organised non-governmental and not-for-profit groups and structures that have a presence in public life, acting as mediators between the public authorities and citizens, expressing the interests and values of their members, and enabling people to organise in the pursuit of shared objectives and ideals. In this respect, civil society can be described as horizontal policymaking where policy proposals are developed

through negotiation and cooperation with other stakeholders, rather than through authoritative and hierarchical decisionmaking (Colebatch, 2004). Civil society is therefore increasingly recognised as encompassing far more than a 'third sector' dominated by non-governmental organisations (NGOs); rather, it is considered a kind of social glue that binds the activities of citizens and various non-profit, public and private sector entities to improve the inter-sector relations in such a way as to strengthen the common good.

Civil society organisations (CSOs) typically include a variety of forms, such as grass-roots initiatives, community groups, social movements, online groups, NGOs, foundations, labour unions, employers' associations, faith-based organisations, social entrepreneurs, social cooperatives, and other organisational structures whose members are united by a general interest and who also act as mediators between the public authorities and citizens (EESC, 1999).

There currently exists no commonly accepted, standardised approach to measuring the progress of civil-society development (Bailer et al., 2012). Nevertheless, we will attempt to identify the real state of civil society in Croatia by exploring some essential determinants of the development of civil society, such as legal, political and socio-economic conditions, institutional infrastructure, organisational and financial capacities, advocacy potential and perceived influence on policy development. Since there is substantial academic literature devoted to these issues (Bežovan, 2002, 2004; Vidačak, 2003; Bežovan and Ivanović, 2006; Bežovan and Zrinščak, 2007; Doerfel and Taylor, 2004; Franc et al., 2012; Matančević and Bežovan, 2013; Stubbs, 1996, 2007; Stubbs and Zrinščak, 2005; Škrabalo, 2008), we will focus on the following questions that are crucial for our analysis: (a) to what extent have legal guarantees of freedom of association and related freedoms enabled the emergence and functioning of civil-society organisations as independent agents of democratisation and socio-economic growth?; (b) how has the environment for the financial viability and sustainability of CSOs evolved?; and (c) how did the changing framework for government-CSOs relations impact on the involvement of CSOs in the policymaking process?

We will try to develop the argument that a favourable legal and financial framework as well as an improved understanding of the role of civil society among the political elite and senior civil servants has strongly influenced the development of CSOs as autonomous agents of social change in Croatia. Furthermore, we will attempt

to demonstrate that the institutional mechanisms of cooperation among central and local government and the CSOs have contributed to the establishment of more democratic and inclusive policymaking processes in Croatia.

In the first part, we will examine the distinctive features of Croatia's transition toward democracy and the particular role of civil society in that process. The subsequent section details the main characteristics of social-movement and interest-group developments in Croatia since the 1980s, including the particularities of trade unions, employers' associations and social partnerships. We will then analyse the primary resources for CSOs and the impact of external funding on the civil-society sector. Finally, we will conclude by addressing the current state and capacity of civil society, the impact of the international financial and economic crisis and the future prospects for civil-society developments in Croatia.

The transition to democracy and the role of civil society

In late 1989, a group of independent intellectuals fighting for human rights set about pressuring the political elite to announce free democratic elections in Croatia. 1989 thus saw the appearance of the first political parties[1], and by the end of the year the League of Communists of Croatia (SKH) had accepted proposals for free elections which were announced early 1990 (Hudelist, 1991). In the first elections, which took place in April and May of 1990, the Croatian Democratic Union (HDZ) won an overwhelming victory and established a strong single-party government. After establishing the basic state institutions, the new parliament adopted a new Constitution in December 1990, thus ensuring the necessary preconditions for the progress of freedom of association. However, the further development of civil society in Croatia was curtailed by the arrival of war in mid-1991. The war 1991–1995 was an unfavourable period for the development of civil society. Many authors agree that the dynamics and development of civil society in Croatia were largely determined by the war that started and ran parallel to the country's democratic political and economic transition (Bežovan and Ivanović, 2006; Dvornik, 2009; Stubbs, 1996; Zakošek, 2008). The war promoted

1 The first political party, HSLS, was registered as an association of citizens.

the ethno-nationalist ideological homogenisation of society and mass identification with the national state. This significantly reduced the space for the emergence and recognition of pluralism, and the potential for grassroots forms of civil disobedience. Such an environment substantially restricted the freedom of public communication that had slowly begun to emerge in the late 1980s, and also resulted in the delayed development of a legal and financial framework for the functioning of CSOs and the establishment of effective mechanisms supporting government-CSOs relations, namely civil and social dialogue.

Table 5.1: The stages of civil society development in Croatia

FIRST PERIOD 1980–1989: underdeveloped civil society under strict control of the socialist order	**SECOND PERIOD 1990–1999: the development of civil society under a semi-democratic system**	**THIRD PERIOD 2000–2014: the development of civil society in a democratic system**
1982 – Act on Social Organisations and Associations of Citizens	**1990** – the first multi-party elections are held	**2000** – victory for the coalition government in the parliamentary elections and the abolition of the semi-authoritarian system
Mid-1980s –independent organisations emerge in the fields of environmental issues, anti-military, feminist and human rights	**1990** – adoption of the Constitution, enabling the establishment of free associations	**2000** – Constitutional Court Ruling abolishing a number of provisions of the 1997 Associations Law which violate the Constitution and European Convention of Human Rights
1989 – the first political parties are registered as associations of citizens	**1991** – establishment of an independent Croatian state and the beginning of war	**2001** adoption of the New Associations Law
	1995 – the war ends and the process of peacefully returning Eastern SIavonia and Baranja to the Croatian state begins	**2002** – establishment of the Council for Civil Society Development **2003** –the National Foundation for Civil Society Development is set up **2005** –the process of EU accession negotiations begins **2006** – adoption of the National Strategy for Civil Society Development 2006–2011 by Croatian Government
	1997 – adoption of the Law on Associations	**2009** – adoption of the Code of Practice for Consultations with the Interested Public
	1998 – establishment of the Government Office for Cooperation with NGOs	**2012** – adoption of the National Strategy for Civil Society Development 2012–2016
	1999 – NGOs led by Glas '99 mobilise citizens for the 2000 elections	**2013** – Croatia joins the EU

Relations between the government and CSOs during the 1990s were for the most part marked by a lack of trust, the absence of

mechanisms and structures for communication, as well as continuous tension and latent conflict. The overall legislative and decision-making process was characterised by a widespread culture of secrecy, with limited opportunities for CSOs to make their voices heard. Until the end of the 1990s, the distribution of public funds for CSO programmes was vague and without formal procedures. An equally important feature of the civil-society environment in the first decade of Croatia's democratic transition process was the systematic lack of data on the resources and state of CSOs, for there were no valid registers in place.

By the beginning of the 1990s, many civil initiatives, and later institutionalised and registered NGOs, had emerged as a direct response to the crisis caused by the war. Acting to address the immediate consequences of war and the war regime (humanitarian crisis, refugees, ethnic intolerance, poverty, etc.), they advocated the essential values of solidarity, freedom, democracy and non-violence and sought to play a constructive role in building the rule of law (Županov, 1995; Škrabalo, 2006). However, there were only a few civil actors who dared to confront the authorities during the war, since even implicit public criticism was regarded as a threat to national unity and cohesion. Most CSO activists lacked practical experience in political advocacy and were unable even to consider confronting the prevailing ideology. The war dramatically influenced various social groups. CSOs attempted to provide support to the victims of war, refugees and displaced persons. During this period, anti-war NGOs played a prominent role in civil society and demonstrated a great degree of solidarity by supporting conflict-resolution initiatives and by assisting those vulnerable social groups affected by the war (Janković and Mokrović, 2011).

Since most efforts concentrated on providing direct aid to the most vulnerable groups, relying on international assistance, CSO actors were not encouraged to acquire skills and competences for mobilising the wider public and reaching out to a broader base of volunteers.

Despite the important role played by international actors in tackling the effects of the humanitarian crisis, some authors have argued that external supporters unwillingly contributed to a weakening of local civil society and its progressive disconnection from citizens and other stakeholders in society (Stubbs, 2006; Dvornik, 2009). The initial phase of massive international humanitarian and financial

assistance facilitated the establishment of parallel structures of international CSOs and their local partners and by bypassing local public institutional networks. On the other side of the civil society spectrum, war veteran groups mostly connected with the ruling party demanded social redistribution, thereby establishing a kind of clientelism with the government (Stubbs and Zrinščak, 2009).

Social movements and the development of interest groups

We will focus predominantly on NGOs (citizens' associations) and social partners, since they are the most numerous forms of organised civil society and are the key players in the development of civil and social dialogue in Croatia.

The data provided in Table 5.2 illustrates the structure of civil-society organisations in Croatia.

Table 5.2: Number of civil-society organisations in Croatia, 2014

Type of organisations	Number of registered organisations
Citizens' associations	51837
Foreign associations	137
Foundations	207
Funds	13
Trade Unions	650
Employers associations	63
Private institutes	452
Religious communities	52
Organisational forms of religious communities	377
Legal entities of the Catholic Church	2038
Legal entities of the Orthodox Church	429

Source: Ministry of Public Administration, 2014; Ministry of Finance, 2014; Ministry of Labour and Pension and regional public administration offices, 2014; Commercial Court, 2014.

As far as the activity area of citizens' associations are concerned, sport and cultural associations constitute approximately half of all forms of associational life in the country.

Table 5.3: The number of citizens' associations in Croatia, by activity, september 2014

Area of activity	Number of associations
Sport	17347
Culture	7954
Economy	4729
Other areas	5205
Technology	3782
Social care	1876
Health care	1568
Children and youth	1323
Homeland War associations	1276
Humanitarian work	936
Environment	945
Hobby	851
Education	775
National	636
Protection of rights	577
Women's associations	502
Science	504
Ethnic issues	465
Spiritual	388
Information technology	201
	51857

Source: Ministry of Public Administration, 2014.

Over the last 30 years, the number of civil-society organisations in Croatia has dramatically increased: from 11,391 in 1985 to nearly 52,000 in 2014 – nearly a five-fold increase.

Table 5.4: Growth in the number of citizens' associations (social organisations) from 1985 to 2014

Year	Number
1985	11391[a]
1991	14390
1997	21945
1998	14792[b]
2001	20718
2004	26706
2007	33977
2010	42452
2014	51857

Source: Ministry of Public Administration, 2014; Central State Office of Statistics 2014.

[a] Until 1997, associations were registered according to the 1982 Law on Social Organisations and Citizens' Associations, where social organisations also encompassed trade unions and employers' associations, as well as a number of citizens' associations. For example, in 1985 there were 10844 social organisations and 547 citizens associations.

[b] The decrease in number was due to the fact that many social organisations needed to re-register under separate laws (the 1997 Law on Associations, the 1995 Labour Law) while some ceased to exist during the process of harmonisation with the new legislation.

By the late 1970s, jurisdiction over the regulation of associations in the former Yugoslavia had been handed over to the federal units, and in 1982 the Parliament of the Socialist Republic of Croatia passed the Act on Social Organisations and Associations of Citizens as the fundamental legal framework for regulating the freedom of association. The Act established two forms of associations – *social organisations* and *citizens' associations* – each type with different legal and political status. Social organisations (a concept similar to public benefit organisations) were the most important form of associational life and enjoyed the financial support of the state, including real estate which was awarded to such organisations. By contrast, citizens' associations received no state support at all.

However, in terms of the registration procedure, there was essentially no difference between social organisations and citizens' associations: both type of associations required ten founders. In the case of social organisations, the Socialist Union had to provide its opinion on the need to establish a new social organisation, as a condition for registration. The registration procedure was managed by the Ministry of Interior/Police and was a rigorous and slow process. Additionally, there was no scope for informal (unregistered) associations to operate.

Trade unions in the Socialist Republic of Croatia did not represent a form of free association, but were social organisations largely dependent on the Communist Party's political agenda, not engaging in the fight for workers' rights, but rather in promoting the idea of workers' self-management. Trade union membership dramatically fell during the 1990s: from nearly 90 per cent of all workers in 1990, to 70 per cent in 1994 and 55 per cent in 1999 (Kokanović, 1999: 201). After 1999, the number of trade union members stabilised at around 450,000 members (Bagić, 2010: 136–157). Civil society foundations largely disappeared in Croatia after the Second World War and their property was nationalised or confiscated. Religious organisations were allowed to operate, but closeness to the church was in practice considered a hurdle to the performance of public duties. Finally, since the political system did not allow any activity which diverged from the views of the ruling Communist Party, there was no framework for alternative political parties. In the late 1980s, political movements that differed from the ruling Communist Party started to emerge; these, however, lacked any adequate legal framework to operate within and could be registered only as citizens' associations. In other words, despite the basic legal framework guaranteeing freedom of association, active citizenship and bottom-up initiatives were discouraged (Pop-Eleches and Tucker, 2013).

In spite of these restrictions, it is important to emphasise that freedom of association during the communist era was not prohibited and there were a number of associations that generated at least a certain level of solidarity and managed to create local support networks among citizens. While associational life was relatively restricted, it was developed enough to provide the foundations for the growth of civil society organisations once the legal and political environment started to change. During the socialist era, all interest groups were part of the tightly controlled socialist order in which there was limited space for any independent activity. In the mid-1980s, the first independent groups appeared in the civil sector, addressing the issues of environmental problems, gender policy and human rights. One of the first independent associations was the ecological organisation Svarun, which developed an anti-nuclear and anti-military policy agenda (Stubbs, 2012; Interview with Vesna Ivanović).[2] It was the

2 Svarun was the predecessor of *Zelena akcija* ('Green Action'), the first environmental NGO established in Croatia in 1990.

nucleus of civil-society development in Croatia, encompassing environmental, anti-military, and feminist and human rights organisations and movements, and was strongly influenced by the civil society discussions that had begun to develop in Slovenia.[3] The Croatian case was peculiar in that the discussion on civil society was more or less limited to multi-party elections, thus missing the whole range of freedom of association that is an indispensable part of civil society (Bežovan, 2004: 102–103).

Following the first multi-party elections of 1990, a new Constitution of the Republic of Croatia was adopted providing a solid constitutional basis for freedom of association and the development of civil society. Despite the favourable constitutional framework, there were no real incentives to create a more supportive environment for strengthening civil society in Croatia. This was primarily due to the systematic underestimation of this area by the ruling political elite (Bežovan and Ivanović, 2006). The new Associations Law was enacted seven years later (in 1997) to regulate the establishment, activities and termination of associations. Basic regulations concerning the work of other actors from organised civil society had already been adopted in 1992 to regulate the work of humanitarian organisations, and in 1995 to regulate foundations and funds. Finally, the Labour Act of 1995 was passed to regulate the incorporation, activities and termination of trade unions and employers' associations.

The Associations Act, adopted in 1997, was supposed to resolve an issue that was essential for the sustainability of a great number of CSOs in Croatia, namely the transformation of what had formerly been 'social organisations' into associations, and the related question of the privatisation of their property. Since the assets of social organisations were numerous, their transformation became a strategic issue that would have long-term effects on the financial autonomy of CSOs and their dependence on the state for support. The provision of the 1997 Associations Act caused a great deal of upset because it prescribed the transfer of assets of all former social organisations to state ownership, only returning them to those associations that were the legal successors to the social organisations on the basis of

3 The first contribution to civil society discussions, published in the Croatian social sciences, was the themed edition of the journal *Pogledi*, entitled Nove rasprave o civilnom društvu (New Discussions on Civil Society). The volume brought together articles by Slovenian and Western European authors, with a bibliography on civil society issues published in Slovenia.

specially adopted decisions (Bežovan and Ivanović, 2006). Only several categories of associations were exempt from this transfer of assets to the state: namely fire-fighting associations, associations of members of ethnic and national communities or minorities, as well as umbrella cultural associations.

Although the 1997 Associations Act introduced some positive changes, it contained a number of articles that were contrary to the constitution and the European Convention on Human Rights. Therefore, several motions for a review of the constitutionality of the act were submitted and the Constitutional Court adopted a Decision and a Ruling in 2000 that repealed a series of provisions in the act that violated the constitution and the European Convention. This decision by the Constitutional Court was significant due to its impact on a number of issues relating to the freedom of association, which subsequently necessitated a new Associations Act. Following a series of consultations with experts from Croatia and the Council of Europe, a new and more favourable Associations Act was passed in 2001. It introduced more advanced standards of freedom of association and, among others, provided a basis for more transparent public funding of NGO programmes and projects.

The institutional environment for the development of civil society and civil and social dialogue

The institutional framework for supporting civil dialogue in Croatia began to develop in 1998 with the establishment of the Office for Cooperation with NGOs, followed by the setting up of the Council for the Development of Civil Society in 2002, and the National Foundation for Civil Society Development in 2003. The most important strategic documents and acts promoting civil dialogue are the National Strategy for Creating an Enabling Environment for the Development of Civil Society (Government of the Republic of Croatia 2012) (first for the period 2006–2011, and then for 2012–2016 period), as well as the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts, adopted in 2009 (Official Gazette 140/2009).

The most significant institutional mechanism for civil dialogue is the Council for Civil Society Development (CCSD), the government's advisory body. It is composed of 31 members: 15 representatives of various government bodies and 16 representatives of organised civil

society, of which 13 are representatives of NGOs. One represents the trade unions (nominated by the coordination of trade union federations), one represents employers' associations (nominated by the Croatian Union of Employers), and one represents foundations. The council meets monthly or bi-monthly and operates with the administrative and expert support of the Croatian Government Office for Cooperation with NGOs. According to the Rules of Procedures of the Council, members of the council representing NGOs (citizens' associations) are elected by the NGOs themselves through a transparent and democratic procedure on the basis of a public call for nominations and a public call for voting to eligible candidates – which is a rather innovative practice compared with similar cross-sector advisory bodies in the rest of the world (Vidačak, 2011).The participation of hundreds of NGOs in electing the council members strengthens the legitimacy of NGO members and substitute members in the council and is proof that this is an effective model for representing organised civil society interests to the government. The involvement of employers' associations, trade unions and foundations within the council (whose fourth mandate began in 2010) introduced new dynamics into the council's work, improving the quality of debate and a diversification of perspectives and opinions on key strategic issues relating to the development of civil society.

The ratification of the relevant ILO Conventions (such as Convention 87, on the freedom of association, and Convention 98, on collective bargaining), as well as of the European Social Charter, provided a good starting point for strengthening social dialogue standards in the country. This was followed by the enactment of regulation providing a legal framework for social partnership, which began to develop in the early 1990s, while the Office for Social Partnership was established in 2001.

The national Economic and Social Council (ESC) is the central authority responsible for social dialogue and partnership between the government, employers and trade unions. The ESC is the advisory body of the Croatian government, and provides opinions, suggestions and evaluations. Through the ESC, government representatives and the representatives of its social partners have the opportunity to harmonise special and common interests relating to the implementation of economic and social policy in Croatia. The first informal meetings of the ESC were held as early as 1991. Employers and trade unions reached a consensus on the institutionalisation of social dialogue

with the setting up of the ESC on January 21, 1994 in response to the growing need for multi-stakeholder cooperation that had developed from a previous agreement between the social partners and the government. As the highest level of the tripartite social dialogue, the ESC is composed of 15 members, with the government, high-level employers' organisations and trade union federations providing five representatives each.

The tripartite social dialogue substantially deteriorated in May 2010, when trade unions argued that the new labour legislation had not been properly processed through the ESC, leading them to suspend their participation in the work of this body (Union of autonomous trade unions of Croatia, 2010). The ESC resumed its work only in February 2011 and a new agreement was signed on March 14, 2011 introducing many important changes to the ESC's work (Vidačak, 2011). With the arrival of a new government at the end of 2011, the Government Office for Social Partnership was abolished and expert support to the ESC's work and the overall social dialogue was transferred to the Ministry of Labour and Pensions. During 2013, the work of the ESC was halted due to trade union opposition to new labour legislation and at the time of writing had not yet resumed. However, the Ministry of Labour and Pensions continues regular dialogue with the trade unions and employers' associations on all issues important for the social partners – for example 29 meetings with social partners took place in 2013 alone.

Besides the above-mentioned central institutions for social and civil dialogue, both social partners and other civil-society organisations have the opportunity to have their voice heard through more than 100 government advisory bodies and 25 parliamentary working committees encompassing around 900 representatives of organised civil society, as well as through the increasing number of local mechanisms for consultation with civil society.

The Report on the Consultation with Interested Members of the Public in the Procedures of Adopting Law, other Regulations and Acts (2013) shows significant progress, both in terms of the number of public consultations, but also in number of contributions made by citizens, CSOs and other representatives of wider public. In 2013, 374 laws, regulations and acts underwent public consultation, compared with 144 public consultations in 2012 and 48 consultations held in 2011. The increase in the number of public consultations and the gradual improvement in the quality of the reports on the

outcomes of consultations has resulted in a substantial growth in citizens becoming interested in taking part in public consultations in various policy areas – from 171 contributors (from both individuals and organisations) in 2010 to 8299 contributors in 2013.

Despite the extensive experience of social and civil dialogue, a number of challenges pertaining to the institutionalisation of social and civil dialogue practices in Croatia remain. Key threats to social dialogue take the following form: (a) the perception that the ESC exerts only a modest influence on legislation, partly as a result of the deficiencies of policy coordination and planning within the government; (b) the quality of bipartite social dialogue is low; (c) the virtual non-existence of sectoral dialogue and the lack of developed local social dialogue; and (d) the fragmentation of trade unions and the insufficient human resources in most fields of activities (Vidačak, 2011; Samardžija and Vuletić, 2009). Although the general preconditions for civil dialogue exist (i.e. legislation, well-developed infrastructure, relevant cooperation mechanisms), one of the greatest obstacles to the future development of civil dialogue is the low level of citizen participation (also identified as a key issue in the Civicus Civil Society Index Report for Croatia), the low level of volunteers in CSOs (Čulum et al., 2009), as well as the weak capacities of CSOs to participate in policymaking processes. Finally, the media and the wider public are still not well acquainted with their work or the roles, structures and mechanisms of civil dialogue in Croatia.

The main resources of civil society and the impact of external funding

Civil society organisations in Croatia continue to face numerous challenges due to the lack of human and financial resources, the insufficient capacity for policy analysis and the reuse of public data, the undeveloped potential for mobilising citizens and volunteers in policy-development processes, and the relatively low level of public awareness that civil society organisations can act as valuable partners in shaping and implementing policies at all levels of administration. In 2013, there were 20,946 persons employed in the non-profit sector, of which only 9713 persons were employed in NGOs.

According to the data available in the Register of Non-Profit Organisations, 13,428 non-profit organisations submitted their financial reports in 2013 with a total income of 12,003,410,129 kunas

(approximately €1.6 billion), of which the income from NGOs amounted to 4,439,506,743 kunas (approximately €584 million). It is, however, important to note that 56.3 per cent of those NGOs which have filed financial reports for 2013 have an annual income of less than 100,000 kunas (approximately €13,000) and fall into category of 'small NGOs'.

The Civicus Civil Society Index Report for Croatia in 2011 (Bežovan and Matančević, 2011) shows that stable human resources are a key problem inhibiting the sustainable development of civil-society organisations, including those that are already well developed. According to the available data in the Register of Non-Profit Organisations run by the Ministry of Finance, the number of employees in non-profit organisations was as follows:[4]

Table 5.5: The number of employees in non-profit organisations in Croatia

Year	Number of employees in non-profit organisations	Percentage of total number of employed persons
2008	17,291	1.11
2009	18,228	1.21
2010	18,667	1.31
2011	19,610	1.73
2012	19,484	1.40
2013	20,946	1.55

Source: Ministry of Finance, 2014.

Although this data shows that – compared with other EU member states – employment levels in the non-profit sector are low, the number of persons employed in this sector is continuously rising.

Despite a growing number of associations, the extent of civic engagement, measured by the membership numbers and the level of volunteering, is considered to be the weakest aspect of civil society in Croatia. According to The Civicus Civil Society Index Report for Croatia, only 17 per cent of citizens are members of a civil society organisation (Bežovan and Matančević, 2011: 21), while, on average, less than seven per cent of the population participates in

4 This data refers only to those non-profit organisations that were obliged to submit an annual financial report to the Ministry of Finance, i.e. those whose annual revenue or overall assets did not exceed 100,000 kunas (€13,513) within the last three years.

any voluntary work. Some 25,000 volunteers donated over one and a half million volunteer hours by working in NGOs[5]. Nevertheless, only 500 NGOs reported organising volunteer programmes in 2013, a fact that indicates a lack of capacity to manage volunteers and confirms the need to invest further in the employment and training of coordinators of volunteers within NGOs.

The Ministry of Justice registers only 36 CSOs (NGOs and university legal clinics) which provide free legal aid (Ministry of Justice of the Republic of Croatia 2014)[6]. This aid primarily consists of: the provision of general legal information; the provision of legal advice; drafting motions for public administration bodies, the European Court of Human Rights and international organisations; legal representation in procedures before public administration bodies; and legal aid for out-of-court and peaceful dispute resolutions. Due to the high number of citizens, especially vulnerable groups, who require this service, there is room to expand the number of organisations providing free legal aid.

The inability of organised philanthropy to develop at the local level, especially local community foundations, is one of the greatest threats to the sustainability and autonomy of civil society organisations in Croatia. According to the Register of Foundations, there are only 202 foundations registered in Croatia, only around 30 per cent of which are active.

Annual reports on public funding of CSO programmes and projects adopted by the Croatian Government[7] show continuous and substantial state budget support to public benefit activities of CSOs during the past 15 years. A visible increase in financial support to CSOs took place in 2004, after the introduction of the decentralised system of public financing of CSOs, the setting up of the National Foundation for Civil Society Development and the adoption of the law on games of chance (foreseeing that 50 per cent of revenues from lottery and games of chance is invested in CSO programmes).

5 Based on the reports of volunteer organisers submitted to the Ministry of Social Policy and Youth in 2013.

6 The list is available online (see references).

7 See Report on financing of civil-society projects and programmes from public funds in 2013 – GOfCNGOs (Government of the Republic of Croatia, 2013).

Table 5.6: State budget funding for CSOS programmes and projects from 1999 to 2013

Budget year	Overall State budget allocation for CSO projects and programmes (EUR)	Number of financed CSO projects and programmes
1999	3,775,536	276
2000	2,739,432	348
2001	2,958,519	481
2002	2,291,852	450
2003	2,278,519	442
2004	14,812,850	2,733
2005	18,200,536	3,163
2006	42,884,909	2,766
2007	62,692,279	4,923
2008	83,222,676	6,350
2009	70,612,927	5,611
2010	65,201,641	5,125
2011	73,330,613	5,258
2012	68,428,864	4,791
2013	74,699,425	5,725

Source: Government Office for Cooperation with NGOs, 2006.

Besides, the 2013 Annual report on public funding of CSO programmes show that financial support from regional and local budgets is twice as big as the national and amounted to €140m[8].

Data from the research study conducted in 2013 (Đokić and Sumpor, 2013) on the role of Croatian CSOs in the EU accession process demonstrates that, over the period 2007–2013, Croatian CSOs funded their projects mostly from public sources. Around two thirds of respondents reported that their projects are funded from the national, regional or local budgets. Almost 20 per cent say that EU sources constitute a major source of funding.[9] The lowest number of CSOs (15.4 per cent) received funding from sources other than public or EU sources. Some report receiving funds from the private sector and through the provision of consulting services. In one third

8 Ibid.

9 Christine Mahoney and Michael J. Beckstrand have observed that the CSOs which promote 'European values', democracy and civic engagement, and which are organised at the EU level, receive more funds than other CSOs. At the same time, they observe that CSOs from Eastern Europe receive significantly less funding than organisations from the older member states (Mahoney and Beckstrand, 2011).

of cases, the CSOs covered the costs of co-financing through the engagement of their own staff. In 34.4 per cent of cases, CSOs searched for financially 'stronger' partners that covered the co-financing share. However, this can lead to a loss of autonomy in decision-making. Some organisations (22.9 per cent) ensure co-financing through savings from past revenues. In 8.4 per cent of responses, the organisation took out loans to co-finance the project.

The research conducted by the National Foundation for Civil Society Development demonstrates that 50 per cent of civil society organisations funded from public sources do not have any employees, while one third of organisations employ a maximum of one or two persons (Nacionalna zaklada, 2012). Only 4.6 per cent employ more than ten people. Few young people are involved at the senior and managerial levels of organisations: almost half of organisations are led by persons 50 years old and older. The research confirms that when CSOs employ staff, hiring is predominately project-based and for a fixed period (in 71 per cent of cases). Due to insufficient capacities, a lack of information and the geographical distance from the main decision-making bodies, there is a considerable imbalance in the capacity for public advocacy and for delivering social services among national and regional or local CSOs. Therefore, as providers of innovative social services and independent advocates of social cohesion, tolerance and the rule of law, CSOs need to extend their activities to all Croatian regions.

Future prospects for the development of civil society

The concept of 'the civil society diamond' (Heinrich and Naidoo 2001; Anheier, 2004), specifies four basic features of civil society's development in a particular polity – structure, space, values and impact. It is often argued that civil society in Croatia has failed to achieve its objectives in relation to the fourth criterion: impact. The criterion of impact covers the influence of civil society on public policymaking, social services and empowering their own members. Comparative civil society studies have demonstrated that, in the area of impact, civil society in Croatia, particularly in comparison with developed European democracies (Bežovan and Zrinščak, 2007: 292-8) is especially weak. Croatia performs considerably better on the other three criteria, especially the criterion of structure in which Croatia is frequently cited as an innovator in creating a solid legal and

institutional framework for the development of civil society, marked by a number of domestic mechanisms that enable the funding of CSO programmes, and which improve the volunteering infrastructure and open more opportunities for networking and expanding the membership base.

There are some indications that things are starting to improve with regard to civil society's impact. Over the last couple of years, several civil-society organisations have developed their own capacities to set agendas and to propose policy in particular fields. For instance, the non-governmental organisation GONG became an indispensable actor in the monitoring of elections and promoting changes in political parties and election regulation, and more recently even affecting public administration reform. The efforts of GONG are coupled with the actions of the more conservative NGO In the Name of Family, which has successively organised referenda on marriage and raised the issue of electoral legislation. Other examples of social-interest organisations with a capacity to promote their issues in the media are the various environmental organisations, as well as certain consumer protection NGOs.

The space in which CSOs operate in Croatia is continuously expanding. Nevertheless, it is still characterised by a number of political, socio-cultural and even legislative limitations. Despite significant progress in harmonising legislation with European and international standards, some areas of the legal framework remain inadequate, for example: the obsolete Law on Foundations and Funds has prevented the development of organised philanthropy; the regulatory environment for social entrepreneurship is vague; and there is a lack of awareness of current tax exemptions for business and citizens investing in CSO programmes which are of public benefit. If not properly addressed in the forthcoming period, these limitations may impact on the sustainability of civil-society organisations in the country.

Civil society in Croatia shares many of the shortcomings that have existed in other post-communist countries, and especially in the Western Balkans. Among civil society's crucial weaknesses which are regularly discussed by scholars are the low level of civic participation, the lack of meaningful and sustainable cooperation between civil-society organisations and government and business associations, the general lack of transparency, the low level of networking between civil-society organisations, and the reliance of civil-society organisations on foreign and domestic public funding (Bežovan and Zrinščak,

2007: 298; Nacionalna zaklada za razvoj civilnog društva, 2012). The low level of civic engagement in post-communist countries has been analysed in political science research, and it has often been argued that the communist legacy is to blame for the disengagement of citizens from public life (Pop-Eleches and Tucker, 2013). On the other hand, the involvement of civil society in public policymaking processes has been improving through the systematic monitoring of implementation of the 'Code of Practice on Consultations with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts' (Vidačak, 2013).

The Position Paper of the European Commission for Croatia (2013) highlights four basic priorities to be funded in the new EU member state. Two of these are: (i) the inefficiency of public governance at central and local levels; and (ii) the weak involvement of civil society and social partners (European Commission, 2013). The European Commission is keen to promote the legitimacy of civil society's role and input into the policymaking process (Kohler-Koch, 2010). These recommendations are also in line with the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012–2016, which advocates the strengthening of civil society capacities combined with training programmes for civil servants and officials to conduct timely and effective multi-stakeholder policy dialogue.

In addition to an enabling legal, financial and institutional environment, and in addition to improving the organisational capacity of civil-society organisations, perhaps the most essential prerequisite for strengthening civil society lies in the development of mutual trust between citizens and trust in political institutions. Some authors claim that, compared with more mature democracies, individuals in post-communist countries rarely participate in civil-society activities 'because they lack trust in others and rather prefer to engage with family members and close friends' (Zakaria, 2012: 353). Some authors attribute this characteristic of civil society in post-communist societies to the underlying fact that such societies are predominantly based on informal relations, where 'informal practice represents a social norm, shaping the behaviour of post-communist citizens' (Grødeland and Aasland, 2011: 130). This feature gains particular importance in the Western Balkans, and may be regarded as one of the weakest links in the development of the sort of environment that would enable a strong and vibrant civil society.

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6 THE DEVELOPMENT OF CIVIL SOCIETY IN SERBIA SINCE THE 1980s

Slaviša Orlović

Introduction[1]

Civil society in Serbia has a long tradition (albeit with breaks in continuity), the history of which can be traced back to the late nineteenth and early twentieth century. The emergence of civil society was characterised by traditional forms of solidarity in villages, the influence of the Serbian Orthodox Church and its understanding of charity, as well as by the activities of numerous humanitarian, educational and other associations functioning in Yugoslavia from the beginning of the twentieth century until the Second World War. The development of civil society in Serbia can be divided into three phases. The first phase represents the initial establishment of non-governmental organisations before the Second World War (1941). The second phase is the period of the communist regime 1945–1990, characterised by 'governmental' non-governmental organisations. The third phase consists of new non-governmental organisations, following the pluralisation of the society since 1990 (Nikolin et al., 2002: 126). During the 1990s, the focus of the majority of civil-society organisations (CSOs) in Serbia was the fight against the regime, against war and inter-ethnic hatred, and against discrimination.

1 The paper was written as part of the project The Political Identity of Serbia in the Regional and Global Context (No. 179076), financed by the Ministry of Science of the Republic of Serbia.

As was the case in neighbouring countries, the rise of civil society in Serbia played an important role in the process of preparing for radical social and political change. Having experienced 50 years of communism and a culture of authoritarian politics, citizens in Serbia tend to recognise the need for a strong state more readily than the need for a vibrant civil society. The renewal of the idea, discourse and the normative concept of civil society unfolded almost in parallel with the pluralisation of post-communist societies. Broadly speaking, the return to the concept of civil society was influenced by several crucial events: the state crises in the East (the crisis of totalitarian states) and in the West (the crisis of welfare states); the emergence of new social movements in the 1970s and 1980s; and the 'revolution of association' and the 'pluralistic revolution' of the 1990s. In the early 1990s, political pluralism meant the destruction of single-party creations. Pluralism was a response to monism, diversity a response to uniformity, and dialogue a response to monologue.

After 2000, two groups of factors influenced the activities of civil society in Serbia. Firstly, a significant number of civil-society activists were appointed to prominent positions and governmental roles. Secondly, the post-2000 period witnessed an excessive dependence of CSOs on foreign donations, as well as rivalry among them for the now declining funds. Civil society can play an important role in the European integration process. This role has both a *political* dimension (by mobilising citizens behind European values, and promoting the advantages of European integration, etc.) and an economic-institutional dimension (optimising available EU funds). Democracy cannot survive without a strong civil culture and citizens loyal to the ideals of democracy: the rule of law, individual freedoms, free and open debate, rule by the majority, and the protection of minorities.

Developments in civil society in Serbia since the 1980s

The emergence of civil society in Serbia began in the 1980s with the foundation of committees for the protection of human rights, the environment and other associations and organisations. In the early 1990s, this process was accompanied by student movements, attempts by universities to become more autonomous, the emergence of an independent media (press and electronic media), and the growth of privatisation and entrepreneurship. Besides the dissident gatherings

and organisations for the protection of human rights, and the alternative environmental associations, the same period also witnessed the emergence of peace movements, of feminist and humanitarian organisations, together with organisations supporting various civil initiatives. The first anti-war protests organised in Belgrade produced the Centre for Anti-War Action, 1991; Women in Black against the War, 1991; as well as organisations whose aim was to build civil society and democratisation: the Forum for Ethnic Relations, Belgrade, 1991; the Helsinki Parliament of Citizens, 1991; the Movement for Peace in Vojvodina, 1991; the United Branch Trade Union 'Nezavisnost' (*Independence*), Belgrade, 1991; the Fund for Humanitarian Law, Belgrade, 1992; the Committee for the Protection of Human Rights and Freedoms, Novi Pazar, 1991; and the European Movement in Serbia, Belgrade, 1992. The first study which identified these newly established civil society organisations was called Nevladine organizacije u SR Jugoslaviji (*Non-Governmental Organisations in the FR Yugoslavia*) and was edited by Branka Petrović and Žarko Paunović (1994), and revised and supplemented in 1997 and 2000.

During the 1990s, Serbia was in many respects a broken society. This was the direct result of a number of factors: the enduring civil wars on the territories of the former Yugoslavia; Serbia's economic and political isolation due to the imposition of UN sanctions from May 30, 1992; the economic crisis and hyperinflation; and the decrease of national income and general impoverishment of its citizens. Political life in Serbia during the 1990s unfolded without an autonomous and critical public voice because the media were directly controlled by the political centre and primarily promoted the interests of the ruling party. The ruling party (the Socialist Party of Serbia, SPS – former communists) and its coalition partners harnessed the mass media for their own propaganda purposes. Nevertheless, in spite of the suppression of public criticism during this decade, a few oases of civil autonomy could still be found in Serbia.

The development of democracy in Serbia was to a large extent hindered by the obstacles to establishing CSOs. The explanation for this is in part historical and cultural. Half a century of real-socialism had left a deep legacy. The disintegration of Yugoslavia, coupled with Serbia being in a permanent state of war during the 1990s (*Status militaris* as opposed to *Societas civilis*) also contributed to the hostile environment for civil society. The various crises, which Serbian society endured, produced a large-scale pauperisation of the population,

particularly the destruction of the middle class, the urban population and the younger generations – many of whom left the country (brain-drain). In spite of its weaknesses, civil society in Serbia in its initial phase made a significant contribution to the construction of a democratic political culture and the political maturity of its citizens. It started out by championing several broad initiatives: promoting a democratic political culture; promoting the liberation of citizens and the concept of the citizen as a political subject; it provided some reassurance that peaceful changes were possible; it set about improving the relationship between the citizen and the state; it promoted civic activities during the periods between elections; it cultivated independent public voices; and it established a 'parallel order of civil society'; all of which nurtured the democratic dynamic for change (i.e. the protests of 1996–97) and in civil education.

The second half of the 1990s witnessed the consolidation of civil society. A network of independent media was established that gradually managed to destroy the propaganda machinery of the ruling party and to offer an alternative voice. In their attempts to avoid being occupied by the state, certain civil-society institutions experienced internal divisions as they split into 'official' and 'independent' (i.e. autonomous) streams. Examples include the establishment of the Independent Journalists' Association of Serbia (UNS), the associations of university professors, of judges (the Independent Judges' Association), pensioners, writers and trade unions Nezavisnost (*Independence*), and so forth. In the second half of the 1990s, aware of the dangers threatening its monopoly but unable to find alternative remedies, the state ruling party became increasingly repressive. It passed various draconian laws, including: the Law on Universities (adopted May 26, 1998), the Public Information Law (October 20, 1998), and the Law on Non-Governmental Organisations.

Certain intellectual activities, publications and projects paved the way for the revitalisation of the concept of civil society in Serbia. Among these, we should mention the journal Polja (Fields) published in *Vršac*, and the project Potisnuto civilno društvo (*Suppressed Civil Society*) which culminated in the book of the same title in 1995. From 1997 to 2000, new non-governmental organisations were established. These included: Otpor (*Resistance*), the Belgrade Centre for Human Rights, the Fund for Democracy, the Centre for Development of the Non-Profit Sector and Group 484.

These laws were intended to battle and regiment the civil sector.

The Law on Public Information stipulated draconian fines for the media, with the total amount of fines exceeding 30 million dinars (one million German marks). The Law on Universities led to the dismissal of more than 150 university professors. In addition, Otpor activists were arrested and criminal proceedings were initiated against opposition leaders. Otpor had originally been established as a student movement in response to the adoption of the Law on Universities that, together with the Law on Information, symbolised the repressive atmosphere that overshadowing civil society in the 1990s. However, over time, it had grown into a mass popular movement. It was active for six years, from 1998 to 2004, becoming a political party in 2003, and merging with the Democratic Party in 2004. The largest protests were organised in the winter of 1996/7, and were intended to defend the victory of the Zajedno (Together) coalition in Serbia's largest cities, including the capital, Belgrade. Students were the first group to take a stand against the undemocratic government. The organised protest marches lasted for 100 days.

The tradition of student protest at the University of Belgrade dates back to 1968, and continued though 1992 and 1996/7. The requests for university autonomy were now accompanied by political requests, anti-war protests, and demands for freedom of movement and democratisation.

Otpor's early activities focused on the government's attempts to abolish the autonomy of universities. However, following the NATO bombing[2] of 1999, Otpor was transformed into a social movement, becoming increasingly systematic in its action. Its primary goals were: the overthrow of the Milošević regime; to articulate the demand for free and fair elections; the abolition of the Law on Universities; the adoption of a new law that would guarantee the autonomy of universities; and the abolition of the Law on Information.

2 The Federal Republic of Yugoslavia (composed of Serbia and Montenegro) was subject to a NATO bombing campaign from March 24 to June 9, 1999, which was justified in terms of protecting the human rights of Albanians in Kosovo and weakening the authority of President Slobodan Milošević. During these 11 weeks and 77 days of bombing, over 34,000 sorties were flown by 1100 combat planes of different types, dropping in excess of 20,000 tonnes of ammunition (state-of-the-art missiles and bombs) on the territory of the FR Yugoslavia. The bombing ended with the signing of the Kumanovo Agreement which stipulated the withdrawal of Yugoslav security forces from Kosovo, the deployment of NATO military troops across the entire territory of Kosovo and the appointment of UNMIK, as the civil mission of the United Nations.

Following the successful overthrow of the Milošević regime in 2000, the previously suppressed issue of the identity and ideology of the movement came to the fore. The differences between the activists and the supporters now became increasingly apparent. In August 2003, Otpor registered as a political party, but performed poorly at the first elections, held in December the same year, winning just 60,000 votes (1.76 per cent). The following September, Otpor announced it would merge with the Democratic Party. Some of its members joined other parties while others continued to engage with non-governmental organisations.

Otpor became one of Serbia's most famous exports: a model for organising managed protest movements. The idea of overthrowing a dictatorship without shedding a drop of blood, as demonstrated by the October 2000 revolution and the overthrow of Milošević, became popular following the developments in Georgia 2003, Ukraine 2004 and Kyrgizstan 2005.

Apathetic young people were becoming politicised and radicalised, led by a hard core of activists. Great care was taken with the name of the movement, which had to be short and memorable. In Serbia, it was Otpor (Resistance); in Georgia, Kmara (Enough); in Ukraine, Pora (It's time); and in Kyrgyzstan, Kel Kel (New epoch).

According to the survey carried out by Argument in 2006, the organisations with the largest memberships were trade unions with 27 per cent, political parties and movements with 26.5 per cent, non-governmental organisations and sport associations with 19 per cent each, and assemblies of tenants/local boards (17 per cent) (Milivojević, 2006: 19). The majority of organisations do not have regular volunteers; volunteering is thus not an organised, regulated and regular activity but a matter of individual personal choice.

The role of civil society in the transition to democracy

For Serbia, the fall of the Berlin Wall in 1989 did not herald the radical political transformation that swept through the rest of communist Europe. Change occurred ten years later, in 2000. In 2000, under domestic and foreign pressure, democratic opposition parties gathered to form DOS – the Democratic Opposition of Serbia. DOS consisted of 18 parties. The most important event in Serbia since the Second World War occurred in September and October of 2000

following the federal presidential and parliamentary elections. The DOS presidential candidate, Vojislav Koštunica, head of the Democratic Party of Serbia (DSS), defeated Milošević in the presidential election.

More than 150 non-governmental organisations participated in a mass get-out-the-vote campaign called Izlaz 2000 (Exit 2000). The campaign involved more than 50 different projects in more than 100 cities in Serbia. For the first time, representatives of the opposition parties, the independent media, trade unions and NGOs gathered in one place.[3]

The civil sector contributed 'energy to democracy' through the organisation of civil street protests throughout 1996/7 in support of the electoral victory of the 'Zajedno' coalition. The electoral fraud perpetrated in 1996 and 2000 in the municipalities and cities where the opposition had actually gained majorities in local elections (the Great Electoral Fraud), meant that Milošević had to be defeated twice: once at the ballot box, and then again by popular demonstrations to defend the electoral victory.

Civil society's influence and contribution to the transformation, which followed the elections of September 24, 2000, when Slobodan Milošević lost to Vojislav Koštunica in the SRY presidential elections, and civil society's defence of the electoral victory of October 5, took many forms. Civil society set about motivating voters, who had only recently gained the right to vote, to go to the polling stations. They trained and stationed a large number of controllers

3 Otpor's campaign actually comprised several campaigns: Gotov je (He's finished!); the youth campaign (campaigns for young people with a special emphasis on first-time voters); 37 NGOs with the support of Radio B292 and ANEM (Association of Independent Electronic Media) from all over Serbia campaigning under the banner of Vreme je (It's time); a campaign for women – the Group for the Promotion of Women's Movement – Women Network (there were 50 women groups and initiatives from Yugoslavia included in the Women's Movement); the campaign for the village, the objective of which was to motivate the mass of rural population into taking part in the elections; the campaign for the Roma population, with the objective of engaging as many Roma citizens in the electoral process, led by the Roma Information Centre in Kragujevac, the YUROM Centre in Niš; the campaign for workers and pensioners – the Partnership for Democratic Change (the United Professional Trade Union 'Independence' and the Foundation for Peace and Crisis Management); the campaign for election monitoring (the Centre for Free Elections and Democracy -CeSID), the Yugoslav Lawyers Committee for Human Rights, and Belgrade Centre for Human Rights (Paunović et al., 2000: 15–17).

at polling stations and ensured a more realistic media portrayal of events through a network of independent media, thus destroying the propaganda machinery of the ruling party. And they took steps to unite the opposition movements. The civil sector thus made up for the numerous weaknesses of the political opposition.

The way in which the country transitioned from authoritarianism to pro-democracy has had a significant influence on the quality and stability of Serbia's emergent democracy (Sodaro, 2004: 210; Pavlović, 2004: 273). The typology of political transition in Serbia, from a more or less authoritarian system to a more or less democratic society, was characterised by regime replacement (i.e. that of the Milošević regime in 2000) and political transformation. In Serbia, regime change occurred through victory in the 'surprising election' and then the defence of that victory through peaceful street protest. The Democratic Opposition of Serbia consisted of 18 parties and trade unions[4]. On September 24, 2000 Milošević called early presidential and federal assemby elections (his mandate was not due to expire for another eight months – on June 23, 2001). However, the regime's refusal to recognise the results of the election[5] only added fuel to the fire. The people took to the streets in mass protest, culminating in a million-strong (estimated) gathering in front of the Federal Assembly building on October 5, 2000. At first, the reaction of the police and the army was to use force to disperse the crowd. However, the authorities and members of the security services refused and Milošević was compelled to admit defeat. Their refusal to use force – most probably due to their assessment of who was most likely to emerge as the winner – was later presented as a decision by

4 The Democratic Party, Democratic Party of Serbia, Democratic Alternative, New Serbia, the Civil Alliance of Serbia, the Christian Democratic Party of Serbia, the League of Vojvodina Social-Democrats, the Social-Democratic Union, the Alliance of Vojvodina Hungarians, the Reform Democratic Party of Vojvodina, the Sandzak Democratic Party, Coalition Vojvodina, the Social Democracy, the Movement for a Democratic Serbia, the League for Sumadija, the New Democracy and Democratic Centre. DOS was at that time supported by G17+ and Otpor.

5 At the presidential elections on September 24, 2000, Vojislav Koštunica, the DOS candidate defeated Slobodan Milošević. Koštunica won a 50.24 per cent share of the vote (2,470,304) versus Milošević's share of 37.15 per cent (1,826,799). DOS also won the elections for the federal parliament, winning 42.9 per cent of votes and 53.7 per cent of seats, against the 32.25 per cent of votes and 40.7 per cent of seats won by the SPS (Narodna Skupština Republike Srbije, 2000).

the military and paramilitary structures to support the democratic process. By turning their backs on Milošević's regime, many officials managed to preserve their positions in the security structures and would subsequently continue to subvert the democratisation process. This would culminate in the assassination of Prime Minister Zoran Đinđić in 2003.

We should not forget that, at the time, the Federal Republic of Yugoslavia constituted Serbia and Montenegro. Considering that the September 2000 elections were held to elect the President of the Federal Republic of Yugoslavia and that the parliamentary elections were also for the Assembly of the Federal Republic of Yugoslavia, and considering the seat of governance rests at the republic level, it remained to be negotiated who would specifically govern Serbia following Milošević's electoral defeat. This resulted in the formation of a transitional government. The political changes in Serbia in 2000 led to the formation of an alliance between civil society and the state, joint programmes and projects to reform the economic and political system. A certain number of legislative proposals originated from the civil sector, for example the bills on universities, information, local self-government, citizenship, non-governmental organisations, as well as some environmental projects. Around 250 civil-society organisations cooperated with the governmental institutions to draft the Poverty Reduction Strategy for Serbia in 2003.

After the assassination of Prime Minister Đinđić (March 12, 2003), cooperation between the government and civil society entered a period of stagnation lasting until 2008, when some ministries (e.g. the Ministry of Science and Environmental Protection, the Ministry of Labour, Employment and Social Policy) proposed cooperation initiatives in drafting the Law on Environmental Protection and in certain topics relating to social policy. The Ministry of Youth and Sport was established in 2007, following four years of public advocacy by the Coalition of Youth Organisations of Serbia, consisting of Civil Initiatives, the Student Union of Serbia, JAZAS (the Association against AIDS), the Youth Information Centre, the Scout Association of Serbia, the Young Scouts, the Youth Council of Vojvodina and the Youth Council of Serbia.

Independent media and contemporary communications played an important role. The regime's previous media monopoly was destroyed. The majority of citizens became better informed. Satellite television and reporting by the BBC, CNN, EURONEWS, as well as

information from the internet (emails), news, discussion forums and chat, also played a significant role in channelling information.

The main characteristics of social movements and the development of interest groups since the 1980s

Citizens' associations (non-governmental organisations NGOs)
The capacity for citizens' self-organisation and association is a key feature of civil society. The human 'habit of association' (Tocqueville, 2003) also embeds the search for a 'good society' or a better society. Citizens' associations are the subjects and the network of civil society, as well as a kind of mediator between citizens (society) and the state. The very assumption that different interests and goals exist among citizens presumes a need for associations and various organisational forms.

Civic action aims to influence, not to acquire power. Today, there is almost no social issue in which non-governmental organisations are not involved in finding a solution. The non-governmental sector offers an alternative and a partner to governmental institutions, with citizens 'relying on their own strengths'. Many citizens' organisations transformed into movements for change; however, some political parties also emerged from such organisations (e.g. Otpor and the G17 plus in Serbia, the Movement for Change in Montenegro).

In order for an organisation to be considered non-profit, volunteering or non-governmental, it must fulfil certain conditions: to have at least a minimum formalised and institutionalised structure; to be institutionally divided from the state; to have a not-for-profit distribution of funds; to be self-supporting in its internal organisation, control and management; to be non-commercial; not to take political engagement as its primary goal; and to be established through the voluntary participation of citizens and voluntary contributions (Paunović, 2006: 27).

A large number of NGOs lacked the principles of cooperation and did not develop a network. Until the adoption of the new Law on Associations in Serbia (Official Gazette of the RS, No. 51/09), which required re-registration, there existed over 23,000 various citizen associations (see Table 6.1) and about 400 foundations and endowments (Paunović, 2007: 45). From 1994 to 2006, the number of NGOs registered in Serbia rose from 196 to 10,500 (Paunović, 2006: 49).

Since adoption of the new Law on Associations in 2009, more than 19,000 citizens' associations have been registered. Among these are associations which work on European topics (e.g. the European Movement in Serbia), which monitor elections (e.g. the Centre for Free Elections and Democracy – CESID), address civil education (e.g. the Civil Initiative), and promote the protection of human rights (e.g. Belgrade Centre for Human Rights, Youth Initiative for Human Rights). The activities of international organisations, such as Transparency and the Helsinki Committee for Human Rights have also intensified.

Table 6.1: The number of registered non-governmental organisations

Year	Number of organisations
1994	196
1997	695
2000	2000
2001	2800
2002	4000
2004	7000
2006	10,500
2009	19,000
2014.	23,763*

Source: Paunović, 2006.

About 26 per cent of CSOs had been established by 1989. 1990 and 2000 saw the fewest organisations established (15 per cent), whereas a rapid increase of the number of established organisations occurred between the years 2001 and 2009 (43 per cent), as well as after the adoption and implementation of the new Law on Associations 2010 (16 per cent). The largest number of CSOs is based in Vojvodina (36 per cent) and Belgrade (28 per cent), while the rest are relatively equally distributed in western, central, eastern and south-eastern Serbia. Organisations dealing with culture, media and recreation (43 per cent) which are not classified anywhere (43 per cent), are the most numerous in Vojvodina. Likewise, business and professional organisations/associations (51 per cent) and CSOs in the field of law, public representation and politics (42 per cent) are the most numerous in Belgrade (Velat, 2012: 13).

There is a correlation between the ignorance about the work of NGOs and the low level of civil activism with the low levels of trust that citizens have in NGOs – it ranks from 9 per cent to 25 per cent depending on the type of NGO. Citizens have the highest level of trust in those NGOs dealing with environmental protection (25 per cent express their trust in these organisations) and in NGOs developing programmes for disabled persons (24 per cent express trust in work of these organisations) (Milivojević, 2006: 29–31).

The Federation of Non-Governmental Organisations of Serbia (FeNS) was established in early 2003 with the aim of promoting joint action and networking. Today it is a network of 550 non-governmental organisations across 102 municipalities (Građanske inicijative, 2014).

Trade unions and civil-social actors and social dialogue

The pluralisation process in Serbia also involved trade unions. During the communist period, trade unions occupied positions of privilege, as they were not organised along pluralistic lines. They were firmly anchored in the Communist Party, which was organised not only according to territorial principles but also to principles of labour. During the 1990s, the Association of Independent Trade Unions of Serbia (whose membership has been assessed at between 450,000 and 500,000) was the largest and the most dominant union, enjoying the status of the 'state' trade union. First of all, it inherited the property and organisational infrastructure of the former trade union. Second, it acquired the status of authorised negotiator and signatory of the collective agreement. In addition, it had the privilege to distribute foods from commodity reserves to its members. On the other hand, the pluralisation of trade unions created the following trade unions: Nezavisnost (180,000 members); the Association of Free and Independent Trade Unions (ASNS), whose membership has been assessed at some 100,000; the Confederation of Free Trade Unions; and the United Trade Unions of Serbia (Sloga). Only the SSSS and Nezavisnost enjoy representative status. Trade unions have tended not to have been counted among the civil-society actors. There are certain reasons and explanations for this. A trade union is an interest organisation of employees who voluntarily join up to protect and improve their working, economic

and social rights.[6] As a civil-society actor, trade unions articulate and represent the interests of employees in an autonomous sphere against the state. In that respect, they are potential 'social buffers' against possible protests, resistance and insurgence (Pavlović, 2004: 249).

The experience of the Party of United Pensioners (PUPS), as part of the ruling SPS-PUPS-JS coalition (in 2008, 2012, 2014), prompted the trade unions to ask themselves whether it might be better to be a smaller political partner in the government than a major social partner on the economic-social council. The trade unions in Serbia have often fallen into the trap of providing their support to opposition parties during electoral campaigns, without receiving anything in return. There is feeling among trade unions and their members of having been betrayed. As a DOS member, the Association of Free and Independent Trade Unions (ASNS) enjoyed the advantages of being a partner in the ruling coalition during the period 2000–2003. It had its own minister. The Association of Independent Unions of Serbia signed an agreement to run jointly in the parliamentary elections of 2012 and 2014. Sloga signed an agreement to run jointly with the Democratic Party in the 2014 elections. These agreements stipulated obtaining a certain number of seats within the lists of the respective parties with which the trade unions entered into agreement. If the trade unions request a certain number of seats on their lists from the parties' partners, this means that they become the MPs of the particular party, and are no longer 'trade unionists'.

As protectors of employees' interests, trade unions have faced many challenges. Firstly, they have failed to protect workers who have been the triple losers of transition. They received the first blow by the privatisation process, during which many workers lost their jobs. The new owners differ from the previous employers in many ways, as they do not respect employee rights. The second blow came with

6 The Labour Law of the Republic of Serbia defines a trade union as an 'independent, democratic and self-supporting organisation of employees that join voluntarily for advocacy, promotion and protection of their business, labour, economic, social, cultural and other individual and collective interests' (Labour Law, Article 6, The Official Gazette of the RS No. 24/05, 61/05 and 54/09). On the basis of their role representing workers and employees, the following rights are granted to a trade union: the right to collective bargaining and collective agreement; the right to participate in collective legal disputes; the right to participate in tripartite bodies; and other rights (Labour Law, Article 239, The Official Gazette of the RS No. 24/05, 61/05 and 54/09).

the loosening of market controls which, in addition to competition, led to an apparent expansion but in fact to a shrinking of the labour market. Thirdly, trade unions have fragmented, lacking a unique trade union policy. They have been affected by the pluralisation of society. The obvious outcome of the transition is that the rich have become ever richer, while the poor have become poorer. In Serbia, the state remains the largest employer and thus the orientation of trade unions toward the state is understandable. This does not, however, account for the fact that few unions set up in private companies. Trade unions have not yet found and shaped their action strategy to adapt to the new circumstances and to change their identities, which were shaped during the decades of state-social ownership and a single-party system. During socialism, trade unions assumed the role of protectors of employees' interests, among other things by ensuring winter stores of food and meat, and by participating in workers' recreational activities. Today, trade unions no longer play this role, and neither are they constituted as protectors of workers' rights in relation to employers and the government.

Although the Federal Republic of Yugoslavia established the Social Council in 1994 – which was composed of representatives of the federal government, the Association of Independent Trade Unions of Yugoslavia and the Chamber of Commerce – social dialogue in Serbia only started to function after the collapse of Milošević's regime in 2000. The first Social-Economic Council of the Republic of Serbia was founded in 2001 on the basis of the agreement concluded by the Serbia government, the Association of Independent Trade Unions of Serbia, the United Branch Trade Unions (Nezavisnost), the Association of Free and Independent Trade Unions and the Union of Employers of Serbia. In November 2004, the Law on the Social-Economic Council (Official Gazette of the RS, No. 125/04), was passed, which provided the Social-Economic Council of the Republic of Serbia with a legal framework within which to operate. A trade union defined as representative has the right to collective bargaining and to conclude a collective agreement at the appropriate level (in this case the republic level) as well as to participate in the work of the tripartite and multipartite bodies. The Social-Economic Council makes decisions twice a year on the minimum wage in Serbia. In the case of a lack of consensus, this decision is made by the government. The main argument in favour of an institutionalised and developed social dialogue is that those states and governments

which incline toward the adopting a social pact have been shown to manage to reduce tensions and conflicts and maintain greater social cohesion. This has been particularly important since the global economic crisis of 2008. At the same time, they have achieved better economic and developmental results by managing to stabilise social relations. Once established, social dialogue maintains the balance between economic efficiency and social endurance, which has not been achieved in Serbia. One of the disputable points between the government and the trade unions has been, and remains the Labour Law and the issues of worker dismissal, the right to strike, and the retirement age limit.

In promoting social-economic dialogue and partnership, the organisations in Serbia enjoy significant assistance from the European Economic and Social Committee (EESC), with which the Social Economic Council is cooperating closely, as well as from the International Labour Organisation (ILO). In 2013 in Geneva, the Ministry of Labour, Employment and Social Policy signed a Memorandum on the Decent Work Programme 2013–2017 with the International Labour Organisation.

The primary resources of civil society and the impact of external funding

Over the last 20 years, non-governmental organisations, as the more agile group within civil society, have not established mechanisms of financial autonomy but have instead to a significant extent become dependent on foreign donors. In contrast to the growing trend during the 1990s of resisting war, and contributing to civic liberation and the struggle against the authoritarian regime, civil society in Serbia post-2000 appears to have become somewhat dormant. After 2000, which marked the zenith of the civil sector in Serbia, we can observe a decline in enthusiasm, in energy, and a weakening of capacities. The international support that was characteristic of the period prior to political change during the 1990s has since been significantly reduced. Since 2000, projects have been supported through governmental institutions, so that the government of Serbia has become 'the largest foreign mercenary'.

In addition, a number of non-governmental organisations have become a gravy train for their members, instead of being the basis for social activism, good will and voluntary work. Professionals who

were necessary in the initial phase have remained in the NGOs too long.

Post 2000, two groups of factors have shaped the activities of civil society in Serbia. First of all, a significant number of civil society activists have been 'appointed to high positions' and entered the governmental structures. The non-governmental organisation G17+, the economic division of which was incorporated into the DOS programme, obtained high positions: Vice-President of the Federal Government, Governor of the National Bank of Yugoslavia, Minister of Finance in the Government of the Republic of Serbia, Assistant Minister of Foreign Affairs, Minister of Agriculture in the Federal Government, Director of the Institute for Textbook Publishing; Jelica Minić, Secretary General of the European Movement became the Assistant Minister of Foreign Affairs.

Secondly, the post-2000 period has witnessed an excessive dependence of civil society organisations on foreign donors, as well as rivalry among these organisations for the now declining funds.

It is not a condition for the EU membership that the Serbian state should cooperate with civil society per se. But there is no doubt that this cooperation is of extreme importance for all Western Balkan countries in the European integration process. The new instrument for pre-accession assistance to the Western Balkan countries (the IPA programme) envisages a seven-year period during which €11.467bn will be invested in order to assist these countries in harmonising their national legal regulations with the EU acquis and in enhancing their capacities to use the assets from the structural funds, rural development funds and the cohesion fund (Council of the European Union 2006). The IPA differs in relation to the EU's former pre-accession aid instruments in that it presumes a significantly higher state participation in designing and proposing the project priorities and in taking responsibility for their realisation. This will require the mobilisation of all available resources, including the civil society resources.

According to the Law on Associations, the state is obliged to finance the work of non-governmental organisations to implement programmes of public interest, such as programmes of environmental protection, human and minority rights, education, science and culture. An analysis of the manner and criteria used in 'budget line 481' has revealed numerous problems. The analysis, entitled Pravni osnov za finansiranje NVO u budžetu Republike Srbije u 2010 godini (The Legal Foundations for Financing NGOs in the Budget of the

Republic of Serbia in 2010), edited by the Centre for Development of Non-Profit Sector, noted the following: it is unclear who can be financed through the budget line 481, and from which section of the budget the NGOs will be financed; moreover, the budget details do not always state the legal foundation for financing; and funds are allocated to entities not belonging to the NGO categories (Stefanović and Marković, 2011: 126–127).

The European Council Regulation of 2006 established a new Instrument for Pre-Accession Assistance, IPA 2007–2013 worth €11.468bn, of which €1.183bn has been allocated to Serbia – equivalent to some €200m a year.

The Progress Report on the Western Balkan Countries toward EU integration, published by the European Commission in March 2008, emphasises the importance of civil society in the process of 'comprehensive reforms' in the Western Balkans and the 'need for the creation of appropriate institutional conditions' for the development and functioning of civil-society organisations.

The current state and capacity of civil society and the future prospects of civil-society developments

In spite of occasional consultations with the various Serbian governments since the political changes of 2000, the civil sector has not imposed itself as an influential partner, nor has it established a permanent dialogue with the government. That it has been put on hold by the government has reduced its critical and control function (Pavlović, 2007: 19–20).

Nevertheless, the environment and the ambience in which the civil sector has been acting post-2000 is much improved, with a freer public a more democratic government which, although not adequately supporting civil society, at least does not suffocate the civil sector. The peak of activism prior to the political changes was followed by a return to everyday life, even to apathy and abstention.

Nevertheless, civil society has become an important advocate of Serbia's integration in the EU. Various civil-society actors (citizens, associations of citizens, media, trade unions and employers) have actively participated in processes of democratic institution building, the progress of Serbia down the road toward the EU and the consolidation of democracy.

The EU accession process of Serbia has also influenced the

institutionalisation of mechanisms for the cooperation of governmental institutions with civil society organisations – such was the establishment of the Office for Cooperation with Civil Society of the Government of the Republic of Serbia (2011), and the Agency for European Integration and Cooperation with Associations of the City of Belgrade.

In many senses, the project of European integration is complementary to the project of democratisation in Serbia and the enhancement of institutional capacities for civil society. Consequently, and as a result of the funding available, a number of organisations, such as the European Movement in Serbia, have declared themselves as being primarily concerned with the question of European integration. Civil society organisations initiate projects, participate in improving the EU accession process and achieving the standards in certain fields; they promote and expand European values, inform the broader public, provide support to citizens, advocate certain solutions and controls, and they monitor the accession process. The largest number of public discussions, debates as well as initiatives on the majority of topics that are essential to the EU accession process, have originated from the civil sector. This field has seen the fastest progress in Serbia in relation to political conditions, such as Serbia's cooperation with the Hague Tribunal and the Kosovo question. Even when considering the fulfilment of political conditions, civil society has put pressure on the government. In light of the requirement for a broader social consensus on Serbia's entry into the EU (namely, a referendum), and in anticipation of a date for the opening of negotiations on membership, Serbia has an opportunity to draw on the experiences of more successful states.

The negotiation process and the progress along the 'road map' will be made easier by consulting with civil society and its active participation. Achieving the necessary reforms is not only a matter of fulfilling the conditions and requests from Brussels, cooperation with civil society facilitates better information flows with citizens, as a result of which the process will garner greater legitimacy.

Civil society can play an important role in the European integration process. This role has a political aspect (the mobilisation of citizens behind European values, promoting the advantages of European integration, etc.) and an economic-institutional aspect (the enhancement of capacities for the optimum use of available EU funds). This is extremely important, bearing in mind that the unsatisfactory

institutional capacities of the former candidate countries had been the main reason for their insufficient usage of the available EU funds.

Conclusion

As has been the case for Serbia's neighbours (Poland, Hungary, the Czech Republic and Slovenia), the rise of civil society has played an important role in the process of paving the way for radical change, not only social but also political. Civil society in Serbia played an important role in making change possible, as well as in the defence of the legitimate electoral victory on the streets. These changes were preceded by a change in public mood. Citizens were incentivised to turnout en masse at the polling stations by raising their awareness of the corruption and authoritarianism of the former ruling regime. This was about a change of consciousness, about the decisiveness of citizens and their non-acceptance of dictatorship. The requests for more human rights became louder.

In the second half of the 1990s and post-2000, a large number of citizens' associations – NGOs – were registered. Civic associations act between the society and the political state. NGOs constitute the capillary network and the bloodstream of democracy. The pluralisation of society and the privatisation of enterprises have significantly transformed the role of trade unions. By their very nature, the trade unions are both important civil society actors and important political actors. The impact of democratic transition affected workers first and then the trade unions. The pluralisation fragmented the trade unions, much as the privatisation devastated the workers. The increasing social gap also manifested in the political parties, which to a certain extent were cut off from the mediating institutions and structures (trade unions, civil society) that Tocqueville and Lipset had insisted on. Evans and Whitefield (1993) call this 'The 'Missing Middle' Approach'. It is exactly these mediating structures in which interests and loyalties are developed and shaped. In terms of the economy, these are corporations and trade unions. This was both an opportunity and a challenge for trade unions to present themselves as partners and to preserve their autonomy and identity in order to avoid being absorbed by the political sphere. A certain number of trade union representatives appeared on the lists of political parties.

In order for civil society to play its basic social role, it must act autonomously. Following the political changes, the new government

assumed control of the human resources and civil projects and, to certain extent, donors, without giving to their recent comrades either 'medals' (for citizen bravery), or channels (e.g. independent media) or adequate legal support (associations of citizens).

Although there is a need, and even an obligation, to collaborate in the interests of citizens, the state and the civil society have not established a true partnership. The government appears to have failed to recognise the advantages of a strong and stabile civil society and its potential to support democracy. The absence of a legal framework for its action and development ensures that the potential for manipulation and control will remain.

Civil society in Serbia is fragmented and lacking in solidarity. Its social resources or social capital in Serbia are insufficient and inadequate. Weak networking, the absence of trust and funding have at times led to serious charges and mutual conflicts. By entering the EU accession process, civil society has become both Europeanised and one of the main actors in the Europeanisation process. Europeanisation and the consolidation of democracy are complementary processes, so the Europeanisation of civil society is important for both of them.

In spite of the progress made, certain problems and obstacles remain which hinder the development of civil society in Serbia. These are a lack of social capital, a deficit of public trust and insufficiently-developed representational and lobbying skills among the professional NGO staff. The majority of Serbian citizens are used to a dominant state and still do not perceive themselves as citizens responsible for their own rights and duties, but as common subordinated citizens whose lives are in hands of the state and whose problems are to be resolved by the public institutions. NGOs must above all overcome their reliance on foreign donors and support which is predominantly limited to the educated, urban and younger population. So far, NGO projects and programmes have mostly been conditioned by the priorities of foreign donors. There is an undeniable need for the NGO sector to diversify its activities with the support of public funding, namely through project tenders from government ministries, cities and municipalities, so that NGO programmes become harmonised with national social policy.

Research on the state of democracy in Serbia carried out in 2014 concludes that – although largely de-metropolised (i.e. expanding to less urbanised environments) and decentralised, particularly

after 2000 – the non-governmental sector remains largely socially ghettoised.

As a normative concept, civil society motivates and mobilises citizens and other social actors to participate in civil and social activities and initiatives. Today, a large number of CSOs, and particularly NGOs, enjoy well-developed cooperation with international organisations and donors. 'The more individuals and groups rely upon one another, the larger is their social capital', observed James Coleman. Social capital is operationalised and measured by the categories of education, training and experience. Putnam defines social capital as a triad: networks, norms and trust.

John Keane (1998: 135) has said that 'All known forms of civil society suffer from endogen sources of incivility'. 'Uncivil' organisations in Serbia, by using the organisation models and functioning methods of CSOs, occasionally attempt to legitimise themselves as 'non-governmental' organisations, while at the same time actively obstructing the meetings of those groups advocating gender equality and sexuality equality, and interrupting the anti-fascist tributes.

Civil society is an 'inexhaustible source of requests addressed to the government' (Bobio, 1990: 34). Following the political transformation in Serbia, civil society has been sluggish, lacking in initiatives, ideas and means. The reduction of donations has reduced its activities. The post-Milošević 'democratic governments' have not shown much willingness to act in cooperation with civil society in supporting the renewal and development of the political community. The road to civil society requires permanent civic activity, active citizens' associations and institutions and an aware public. Civil society is not only a counterbalance to the state but also a support to the state, as well as its partner in creating an 'arena for exchange'. Civil society has a strong democratic potential. It balances the state and government sphere against the autonomous sphere. Following the collapse of the Milošević regime, citizens had great expectations of the new system, and thus their subsequent disappointment was also great. While we can say that the democrats prevailed, democracy did not entirely win. Adam Przeworski (1999) notes that the fall of communism was an event nobody predicted, but as Klaus Von Beyme (2002) would say, 'all of a sudden everybody had always known it'. Changes in Serbia occurred without a violent break with the previous regime and were accompanied by a liberal deficit that would influence the dynamics and the success of the reforms. This is one explanation

why Serbia continues to lag behind on the road to European integration compared with the other former Yugoslav republics. Crucially, the weaknesses of civil society partly explains why democracy in Serbia has not entirely consolidated. It could be said that Serbia is more than an electoral democracy but less than a consolidated democracy.

Democracy cannot survive if not supported by a strong civil culture and if not supported by citizens loyal to the ideals of democracy, such as the rule of law, individual freedoms, free and open debate, and the rule by the majority and the protection of minorities.

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7 THE DEVELOPMENT OF CIVIL SOCIETY IN MONTENEGRO

Olivera Komar

Introduction

Transition toward democracy and the role of civil society

The transition in Montenegro began in 1989 with the so-called anti-bureaucratic revolution, a series of massive public demonstrations that overthrew the old communist elite (Darmanović, 2007; Bieber, 2003). This process initiated the transformation from a socialist to a pluralistic liberal-democratic state. The peculiar feature of this 'revolution' was the fact that not only did it determine the development of the major features of the contemporary Montenegrin political system, but it was actually initiated from within the Communist Party by younger members of its leadership. It was a kind of rebellion against the 'corrupt' old communist elite rather than against the system itself. The new leadership (at the time still communists) initiated a transition toward pluralism and scheduled the first parliamentary elections, which the League of Montenegrin Communists won with an absolute majority. At the time, this change was supported by Milošević's regime in Serbia. This support initiated a period during which the ties between the two governments became very close. These two facts – the continuity of power structures, which made Montenegro the last country to retain a communist party system in the post-communist world, and the initial support and heavy presence of Serbian politics in Montenegro's daily political life – were the main determinants of the system's development for a long while.

Describing the transformation of the states in the Balkan region, Ivan Krastev (2002) observed, 'There has been less political change

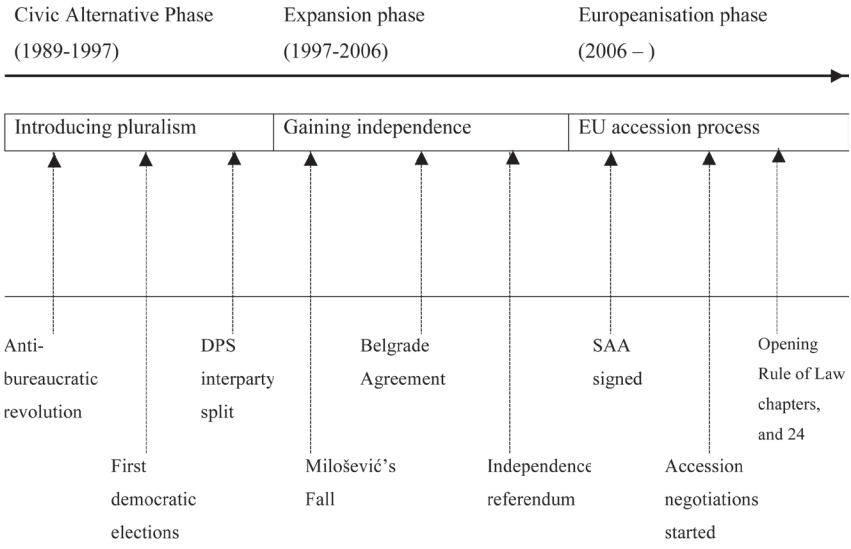
than supporters of democracy had expected.' Montenegro perfectly illustrates this case. Although the outer form of the political system changed dramatically with the introduction of new institutional arrangements, including regular elections and a party system, the underlying political culture remained. The old ways of doing things adjusted to the new procedures without having to change their nature. One of the main ingredients of the democratic process was assumed to be the *participation of citizens.* However, there is little evidence that the political system in Montenegro has become determined by the sort of bottom-up processes of articulation and aggregation of citizens' interests that might be expected. There is also little evidence of unconventional political participation. Apart from voting (a procedure which in fact never altered the final outcome), there have been very few political actions aimed at producing collective results. This continuation of top-down decision-making could also be attributed to the way civil society is organised and articulates its particular interests. This is a particularly relevant question for two reasons: firstly, Merkel's fourth criterion of democracy consolidation (Merkel, 2011) – the consolidation of civil society – questions whether the citizens became active participants in the democratic process; and secondly, it is relevant in light of the ongoing debate whether democracy has ever been consolidated in Montenegro. The Montenegrin state remains weak in the sense that it has been captured by particular interests 'that dominate policy and tilt the political playing field in their own favour' (Krastev, 2002: 50).

This paper will provide a descriptive outline of the development of civil society in Montenegro. It will try to identify the phases of its development, the main features of those phases and the moments in recent history that have determined them. Here we suggest that these phases coincide with the main phases of the country's political transition. According to the authors who studied the process of transformation of Montenegrin society, there were two main phases of transition: the first phase lasted from 1990 until 1997 and the second from 1997 until 2006. Those phases were followed by a period of consolidation of the political system that began after the independence referendum in 2006 (Darmanović, 2007). The first phase of Montenegro's transition corresponds to the phase in which civil society developed, during which civil society was a non-structured and non-professional civic alternative to the regime (the Civic Alternative Phase). The second phase could be described as a phase of

expansion and growth, both in terms of the capacities and scope of civil society (the Expansion Phase). During this period, non-governmental organisations, which constituted the bulk of civil-society organisations, rapidly grew boosted by international financial support. The third and final phase could be described as a period of consolidation of the political system and could be said to represent a phase of Europeanisation of civil society (the Europeanisation Phase).

These three phases could be described in relation to three factors: (1) the predominant attitude of civil society toward the regime in Montenegro; (2) the relationship of the state toward the international community; and (3) the structure of civil society. The first two factors determined the latter through the legislative framework, resources and agenda. In the following sections we will describe each phase in more detail with reference to these three factors.

Figure 7.1: Phases in the development of civil society in Montenegro



There is no official or predominant definition of civil society in Montenegro. However, the common understanding of the word usually refers to non-governmental organisations. A broader definition would also encompass labour unions and the media, although these are rarely included – the former due to their lack of influence in the

society, and the latter due to their special position in the system. In line with so-called *bad legacy paradigm* (Krastev, 2002), one of the main goals of the transition was freedom of the media. In this sense, the media in Montenegro has become a powerful political player and, although often pressured by the government, it wields significant power and often deserves to be treated as a separate subcategory within civil society. This is especially true of the two main daily newspapers, as well as some electronic media. Another peculiarity of the Montenegrin media is that, since 2000, the majority of media outlets have been taking an anti-government line.

There are few grassroots civic movements in the country. In most cases they are gathered around environmental issues. In this paper we will refer to civil society in the broader term (non-governmental organisations, media, movements and unions) but with special emphasis on non-governmental organisations.

The civic alternative phase

The first phase of transition is accurately described by Florian Bieber as 'from one one-party rule to another' (Bieber, 2003: 11). During this period, the new communist elite, officially and logistically supported from Serbia by Slobodan Milošević's administration, managed to organise a number of protests (1988–1989) in the country with the main goal of overthrowing the communist elite governing at the time. It was in fact a social uprising against corruption, low economic performance and bad governance whose ultimate goal was not to change the system, but merely to change the personnel running the system. Moreover, with encouragement from Milošević and guided by his agenda, economic dissatisfaction was easily transformed into nationalistic conflict. Bieber has identified four primary factors that initiated the protests: '(a) broad societal groups dissatisfied with the economic, social and political status quo; (b) nationalist intellectuals; (c) ethnic entrepreneurs in the League of Communist of Serbia; (d) an institutional system in late communist Yugoslavia which was conducive to the primacy of ethnicity' (Bieber, 2003: 14).

Heavily supported with resources from Belgrade, Montenegro's new young communist elite managed to initiate the so-called anti-bureaucratic revolution, which resulted in the replacement of one Communist Party elite with another. This new elite opened the door

to pluralism while simultaneously preventing it by continuing to control state resources. This means that 'the 1989 revolution did not bring about genuine discontinuity with the ancien regime' (Vuković, 2010: 61). It also largely reduced pluralism to the main social divisions – national issues and the *pro et contra* attitude toward Milošević's politics. The new elite had no difficulties in taking advantage of the economic dissatisfaction in their nationalist agenda (Bieber, 2003: 15). This phase saw the reintroduction of the 'statehood issue' as the dominant social and political division. Since the new ruling elite owed their success to Milošević, they decided to remain in a common state with Serbia. The 1992 referendum returned 95 per cent in favour of a common state with the opposition mostly abstaining (the turnout was 66 per cent) (Bieber, 2003: 21).

At the same time, during these early years of democracy, the nascent civil society acquired some distinctive features. It was highly uninstitutionalised and personified in writers' clubs, independent weekly papers and semi-political organisations. At the time, civic society was the only articulate voice of opposition to the pro-war political elite. It was characterised by a significant anti-regime attitude. This attitude was highly unpopular at the time within the country and the ties with other similar organisations from abroad were almost nonexistent. In the early phases of transition, organisations were mobilised to stand against 'war, nationalism, xenophobia and hate speech, and condemned the political and military actions of the Montenegrin authorities' (Muk et al., 2006: 18). These organisations, both independent media outlets and semi-formal political clubs, were civic alternatives to the dominant politics that tended to toe the line of the Milošević regime in Serbia. They opposed national divisions and especially opposed the military actions in the region (e.g. in Dubrovnik). These groups were weak, not well organised and lacked the support of the majority of the population. The official media either portrayed them unfavourably or was silent as to their existence.

At the time, no foreign support was available because the country was in isolation. Any connections with similar organisations from abroad were dangerous and close to being regarded as treasonous.

The legal framework that enabled most of these organisations, or 'groups', to exist was the domestic legislation, the Law on Civic Associations, which was passed in parliament in 1990 (Radonjić, 2006: 568). At the time it was an umbrella law to regulate both civil society and political parties. This law recognised two kinds of civil society

organisations: so-called social organisations and civic associations; moreover, it was quite vague.

To sum up, the majority of civil-society organisations in this period were anti-governmental and anti-Milošević. They were not connected to foreign donors. They were weak and disorganised but nevertheless were genuine in their articulation of the interests of a minority of the population which was anti-war and against xenophobia. Although very fragile, one could claim that this phase was the most bottom-up phase so far witnessed in the course of civil society development in Montenegro.

The expansion phase

The second phase reflected the political changes that occurred in the country. Following the intraparty split in 1996 and the narrow victory of Milo Đukanović in the 1997 presidential elections, the general course of the country shifted. It gradually began to turn away from Belgrade and opened up to the West. Moreover, the Demokratska partija socijalista (DPS) and Đukanović became regional leaders of the resistance to Milošević. This was heavily supported by the United States and the European Union. Pragmatically, the international community was at the time willing to forget and forgo the recent past and DPS's involvement in military actions in the region as well as its participation in illegal economic activities including tobacco smuggling. However, this support came with strings attached. Namely, although the incumbent party introduced the *independence discourse*, the international community felt that it was yet not the time for it. The international community was concerned about the stability of the region and preferred Montenegro to remain an anti-Milošević oasis within Yugoslavia (later on Serbia and Montenegro). It did however support organisational transformation so that the country gradually became administratively independent from the Belgrade.

During this period, Đukanović and the DPS took over the 'civic' discourse from civil society and the pro-Montenegrin discourse from the Liberal Alliance of Montenegro. Thus, the regime that had until 1996 directly participated in Milošević's politics became its main opponent. This period can be divided in two phases: the first phase from 1997 to 2000 and the fall of Milošević; and the second from 2000 to 2006. During the first phase, support from international and foreign actors was undisputed and significant. Montenegro became

a refugee haven for the Serbian opposition and a regional leader of change. During the second phase, the honeymoon was over and the international community adopted a more realistic approach toward the country. This was especially true in light of the newly articulated *independence claim*. The international community was willing to support the government but hesitated in backing a referendum on independence. With the change of regime in Serbia, the importance of Montenegro and its position in regional politics significantly decreased.

Civil society flourished in the expansion phase. This was especially true of two segments: non-governmental organisations and the media. It was less true for the labour unions and grassroots movements.

Supported by an enormous influx of foreign donations, the number of non-governmental organisations increased significantly. These donations came from foreign embassies, international organisations and donor organisations (such as the Open Society Foundation FOSI or USAID). Most funds were directed toward ensuring free elections, a free media and strengthening the rule of law. Many grants were institutional which meant that they were aimed at strengthening non-governmental organisations as entities rather than simply to support specific projects. International and foreign donors did not only fund individual initiatives but also the development of civil society as an important pillar in the process of democratisation. Civil society members were trained on how to internally structure their organisations, how to develop thinktanks and trained in monitoring and watchdog skills, and how to produce and evaluate public policies, etc. With this support, many non-governmental organisations grew into legal entities of respectable size and strength employing many people. Unfortunately, there is no data on how much money was 'invested' in the country this way during this period.

In the first period, many prominent non-governmental organisations had supported the ruling elite in their opposition to Milošević. Some of them even actively participated in the anti-Milošević campaign. In the second period, when Belgrade no longer posed a direct threat, most NGOs decided to adopt a neutral position although informally in favour of independence. During both phases, the focus of NGOs activities was on the many aspects of the rule of law. However in the second phase, much greater emphasis was given to good governance. Most projects funded by international donors were in support of a liberal-democratic transformation of the country and

sought to introduce a new legal and institutional framework. In this respect, NGOs became important messengers from the West and partners as well as watchdogs of transition.

Around this time, the first significant private media outlets were established. Initially, a significant portion of them were formally and informally supported by the government since they were important partners in the resistance to Milošević. Later on, however, the media became more critical toward the government and started to pursue their own political agenda more closely with some of the opposition.

In 1999, the new Law on Non-governmental Organisations was passed defining two main types of civilsociety organisations: non-governmental associations and foundations. It was for the most part a homegrown law based on some comparative experiences. 'Under the Law and within the commonly used term "NGO sector" are active cultural, environmental, educational, professional, social and humanitarian, human rights, women and child rights and business associations. NGOs or the "NGO sector" is the driving force of the Montenegrin civil society. There is no tradition of faith-based organisations, and trade unions, which are all gathered in one national union, and perceived in public as highly controlled and influenced (Muk et al., 2006: 19).

During the period in question, the labour union remained an insignificant factor in political decision-making and kept silent during the privatisation processes, and the reform of the health and social system. The same could be said for the almost nonexistent grassroots movements.

At the end of this period, one of the most prominent non-governmental organisations, the Group for Change, decided to transform itself into a political party (The Movement for Change). This was the first political party to adopt a predominantly neutral position toward the issue of statehood and to focus on the quality of system transformation, privatisation, corruption and good government.

Montenegrin society was deeply divided between unionists who supported a continued union with Serbia and pro-independents who supported an independent Montenegro. In light of the need to resolve this 'most important question of statehood' all other matters and interests were put aside. A group of authors described this situation: 'Most of the key questions stirring the political debate pertain to matters of identity, such as nation, language, church and (until recently) the statehood issue (Muk et al., 2006: 19).' Meanwhile, the

non-governmental sector was growing in size and strength, heavily supported by foreign donations. The focus of their work was institutional democratic transformation. Although their structural position was strengthening, they were still fighting for a place at the decision-making table in a very tough environment in which any criticism of government performance was branded anti-Montenegrin.

According to the 2006 database from the Centre for the Development of Non-governmental Organisation, the structure of the NGO sector was quite diverse in terms of the types of activity and regional distribution.

Table 7.1: The structure of NGOs by type

Types of NGOs	No. of NGOs
Culture and arts	198
Education and research	113
Environmental issues	120
Humanitarian work	39
Socio-humanitarian problems	147
Youth and students	58
Local community building and development	99
The development and protection of business and professional interests	102
The promotion, protection and development of human rights and freedoms	77
Legislation, advocacy and public policy	18
Enhancement of a culture of peace and non-violence	16
The promotion and protection of women's human rights	35
Refugees and displaced persons issues	17
International activities	21
Others	42
Total	1102

Source: Muk et al., 2006: 19.

Table 7.2: The structure of NGOS by region

Region	Number	Percentage
North	237	21.5
Central	623	56.5
South	242	22

Source: Muk et al., 2006: 26.

The Europeanisation phase

The Europeanisation phase began after the independence referendum had been held and the statehood question officially 'resolved'. Although the main social division and the Serbian-Montenegrin division remained buried deep beneath official politics, the dynamic significantly changed. First, the political landscape and the structure of the political scene changed with the emergence of several new political parties. The DPS continued to win the elections albeit without the same ease as before. The 2013 presidential race showed that elections were becoming increasingly uncertain. The DPS candidate had a hard job securing victory which in the end was reflected in the final results – he won only 51 per cent of votes. Also, at the local level, the DPS almost lost the elections for the capital city in 2014. Meanwhile, the opposition won enough seats to form local government but missed the opportunity due to internal misunderstandings and inter-party conflicts. Although one might be tempted to disregard local elections as an unimportant indicator in general, this would be a mistake. First, the capital has a significant symbolic meaning and, second, more than a quarter of the Montenegrin population resides in Podgorica. The end result was that the DPS continued to govern the country to the great disappointment of opposition voters. A public opinion poll held shortly after the local elections suggested that turnout might have dropped by more than 8 per cent in the capital and around 6 per cent at the national level (CEDEM, 2014). If true, this drop would set a record-low in Montenegrin politics.

Not only did the internal party composition change, in the post-referendum phase the international community became much more critical of the Montenegrin Government. Having lost its regional importance, Montenegrin politics started to be evaluated without any pragmatic positive prejudice. In its progress reports, the European Commission began to scrutinise the situation regarding the different aspects of transformation and reform and was very critical of the corruption and the quality of transformation. The other foreign donors echoed the call for more vigorous civic initiatives against corruption and in support of transparency.

This changed the priorities of the non-governmental sector and its relations with the government. NGOs became more critical of the government and often designed their projects around the commission's progress reports.

At the same time, the donor community transformed itself. Most of the foreign aid donors that had supported the non-governmental sector in the past now reoriented themselves toward other 'problematic' regions. Although Montenegro was evaluated as being a country with significant internal problems regarding the quality of its institutional reforms, there was no longer any threat to the general trend of transformation toward a viable democracy. The Open Society Foundation ceased its operations in Montenegro in 2010, which symbolically heralded a new attitude among the donor community toward the country. On one hand, the funding of the civic initiatives was shifted toward the state (the commission for financing NGOs from lottery programmes and the like), and to the European Commission on the other.

This change initiated an important transformation of the sector itself. Since the European Commission merely provides large grants, only well-developed NGOs with considerable professional and administrative capacities and a significant history of projects and previous funding could access this support. National funding, on the other hand, had several characteristics. First, it included a number of small grants that were unable to support any serious work. Moreover, it was often connected to national scandals including nepotism, cronyism and political influences in its distribution. There were several official complaints about the way the funds were distributed involving certain prominent NGOs that had reputations for their anti-corruption work. Also, a number of grants were given to non-existent organisations. Once the money had been transferred, the organisations ceased to exist again. Such scandals seriously undermined the process of state support for civil society.

The new Law on Non-governmental Organisations was passed in 2011 and further facilitated the process of transformation of the NGO sector since it required all non-governmental organisations to re-register in order to continue to operate. This piece of legislation was based on international standards and was passed with the involvement of non-governmental organisations. It required a 'cleaned up' NGO register of non-active but also of not-very-active organisations. According to the NGO register, after passing the law in October 2014 (Government of Montenegro, Ministry of Interior Affairs, 2014) 3090 active organisations re-registered.

Due to the above reasons, the NGO sector changed significantly. First of all, small grassroots initiatives were additionally reduced while

large NGOs became highly professionalised. This means that they came to employ people on permanent or semi-permanent contracts and to behave more like companies than civic interest groups. In many cases, they own companies that conduct business and finance the NGO in return. According to the report produced by NGO ZID (2010), during period 2008–2010, there were 4962 employment contracts signed within the NGO sector, of which 1637 were for full employment and 3325 for additional employment (Government of Montenegro, Ministry of Interior Affairs, 2013: 8).

NGO representatives often participate in working groups formed by the government and the state administration. Initially, the pressure to include civil society in the proceedings came from the EU; later it became standard practice. In the first half of the 2013, there were 105 requests for NGOs to participate in different state commissions and working groups. As a result, 108 members of civil society participated (Ibid: 5).

Many civil-society organisations changed their orientation and endorsed thinktank types of activity, focusing on public policies and acting as government substitutes. With a few exceptions, the majority of the activist-oriented NGOs ceased to exist.

There is somewhat contradictory information about the structure of the NGO sector from the Governmental Strategy for Cooperation with NGOs for 2014–2016. It is stated that, according to the financial reports that were submitted by 209 NGOs in 2010, over 70 per cent of them had an annual income of less than €10,000, and 12.9 per cent of more than €50,000. However, there is no information as to how much greater this income was for those 12.9 per cent.

Environmental-protection initiatives might be regarded as rare incidents of grassroots initiatives in Montenegro. There have been a number of such initiatives in recent times and most of them have been successful. Some of the most important include: the River Tara Protection, a civic initiative to prevent the largest European river canyon (and the second largest in the world) being turned into an artificial lake for use as an electrical power plant; the Village Beranselo Initiative, a very local initiative to protect a northern village from a waste disposal site; Valdanos, an initiative to prevent construction on the one of the most beautiful coasts and olive tree forests in the country; and a movement against the building of a tunnel under Gorica Hill, the main green area in the capital. Most of these cases were autonomous bottom-up phenomena lacking EU support.

It is important to note that environmental issues were never part of the official political discourse and were never a topic for the political elites. Yet environmental issues appear to possess the potential to transform the country's dominant obedient political culture and mobilise people to protect their common interests.

In this period, labour unions became more active. In 2007, the trade union split into two organisations. One was the former Alliance of Labour Unions of Montenegro and the other was the newly founded Union of Free Labour Unions of Montenegro. This split induced a limited dynamic in labour negotiations with employers and the government. The Union of Free Labour Unions was one of the organisers of the largest social and labour protests in Montenegro following the anti-bureaucratic revolution. First, in November 2011, the largest student protest was organised, gathering over 2000 students. Officially the protest was motivated by typical student issues such as high scholarships, living conditions in dormitories and the frequency of exam terms etc. In addition to these formal demands, anti-government sentiment could be identified from the posters and messages carried by protesters. Those were the first mass student protests in recent Montenegrin history. The government reacted swiftly and 'granted' all the official requests to the students thereby undercutting the legitimacy of any further gatherings. This caused a split among students and their leaders and briefly halted the protests. However, a new wave was soon organised by a segment of the students' organisations, the Union of Free Labour Unions and a non-governmental organisation called Mreža za afirmaciju nevladinog sektora.[1] The main requests of the protesters were for an improved economy, tackling corruption and for the resignation of the government. This time, however, the government chose to ignore the protesters and after a while the protests dispersed. Apart from environmental initiatives, these protests were rare examples of socially motivated collective actions of citizens in Montenegro. Ivan Krastev has argued that their rarity owes much to the communist heritage: 'Balkan citizens forgo protests not because they are happy or for strategic reasons, but because the communists destroyed citizens' capacity for collective action (Krastev, 2002: 48).' There is some truth to this. In Montenegro, an additional explanation could be the very dense social network, which motivates individuals to use

1 Network for the Affirmation of the Non-governmental Sector (translation).

personal relationships to bend the rules in their own favour. These individual negotiations are not only unsanctioned by the system but are welcomed due to its basic clientelistic nature.

While some grassroots activity could be detected at this time, quite the opposite trend could be observed in the non-governmental sector, especially among the larger NGOs. Although it would be unfair to generalise, the phenomenon that Gasior-Niemiec and Glinski noticed in Poland could be also detected in Montenegro: 'The phenomenon of oligarchisation of the sector involves highly professionalised and rich organisations, which have to a large degree become able to shape the Polish institutional environment according to their interests (Gasior-Niemiec and Glinski, 2007: 32).' These organisations started to lose touch with their grassroots and to form quite ambivalent relationships with citizens. Moreover, a special kind of patronage with administrative, media and intellectual elites could be noticed. It often included trading influences and business alliances at both the individual and the organisational level.

Most of these cases have gone unreported. However, since Montenegro is a rather small country, they are well known to the interested parties. One could give the example of a prominent NGO that threatened public officials not to release parts of its public opinion report on the communication of the EU process to the citizens, since one of the findings of the report was that very few people had heard of the EU Commission's well-funded project implemented by that very same NGO. They feared the report would be criticised in the media, so the public officials decided not to release this particular part of the report. In this case, it is well known that this particular NGO engaged the journalists of one of the main daily newspapers as their contributors, thereby creating a network of links with which it was able to realise its threats.

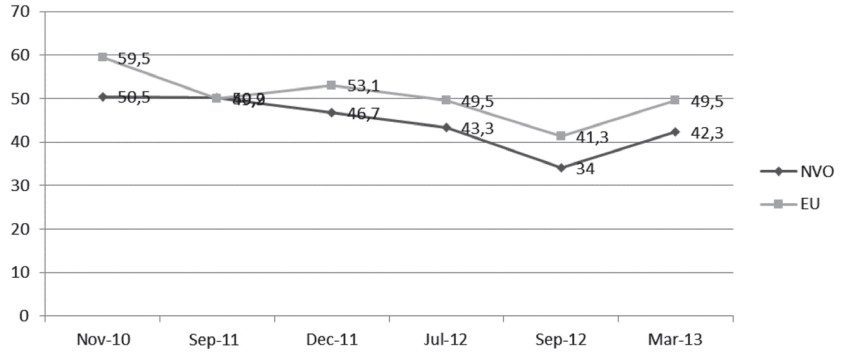
The European Commission's reports and the process of integration had positive and negative effects on the agendas of NGOs. On the positive side, NGOs became the only viable watchdog of the reforms and due to their efforts and activities the government was forced to switch from merely cosmetic changes to more serious reforms. NGOs became the European Commission's partner and internal ally in facilitating and checking reforms on behalf of the European Union.

On the other hand, this produced some negative effects. Since it is externally driven, the NGO agenda does not in fact empower civil

society as a bottom-up vessel for articulating the interests of citizens. Citizens still only participate formally. Recent studies have diagnosed political culture in Montenegro as subject-participative, which means that a significant part of the population still does not perceive itself as a constitutive element of the democratic process in the country (Komar, 2003; Knežević, 2007). The fact that NGOs predominantly advocate in favour of the EU agenda does not significantly help in this respect. Of course, the EU agenda, including the rule of law, anticorruption, the strengthening of institutions, etc., is very important for the democratic transformation of the country. The problem, however, is that there are not enough actors left to advocate for other interests that are not included within the official EU agenda and therefore of no interest to NGOs. Many examples could be cited here, such as the rights of workers who have lost their jobs through faulty privatisation, the quality of education, environmental issues and many others.

The non-governmental organisation, the Centre for Democracy and Human Rights, has conducted regular political public opinion polls since 2002. According to their data, confidence in the European Union and in non-governmental organisations has followed almost the same pattern since 2010, which indirectly supports the claim that citizens perceive NGOs as vessels of EU politics in the country (CEDEM, 2014).

Figure 7.2: Confidence in the European Union and in non-governmental organisations



There are a few interesting findings in the report *Stavovi građana Crne Gore o nevladinim organizacijama*[2] (2012) about the way people perceive NGOs and their position in society.

Table 7.3: Confidence in institutions and organisations[3]

Institution/organisation	considerable confidence	moderate confidence	little confidence	no confidence
Educational system in Montenegro	23	35	22	19
Health system in Montenegro	20	37	22	19
Media	11	36	32	18
Non-governmental organisations	13	37	24	17
President of Montenegro	22	28	24	25
Police	16	31	24	26
Parliament of Montenegro	14	30	27	28
Government of Montenegro	16	28	25	29
President of the Government of Montenegro	18	27	24	31
Local authorities	14	30	23	28
Judiciary	14	31	22	32
President of the Parliament of Montenegro	16	25	22	35

Source: CRNVO, IPSOS and TASCO, 2012

The lowest levels of *considerable confidence* reported are in the media (11 per cent) and NGOs (13 per cent), compared with other institutions in the system. Citizens register their highest *considerable confidence* in the education system (23 per cent) and the health system (20 per cent). If the categories of *considerable confidence* and *moderate confidence* are merged, the situation improves, since citizens have less confidence in the parliament (44 per cent), the government (44 per cent), the president (45 per cent), local government (44 per cent) and the judiciary (45 per cent). Without regard to other institutions, most people have moderate confidence in NGOs (37 per cent), followed by little (24 per cent) or no confidence (17 per cent) and considerable confidence (13 per cent). Nine per cent have no opinion on this matter.

2 *Attitudes of Montenegrin citizens toward non-governmental organisations* (translation of the title)

3 Original wording of the categories: obrazovni sistem u Crnoj Gori, zdravstveni sistem u Crnoj Gori, mediji, nevladine organizacije, Predsjednik Crne Gore, policija, Skupština Republike Crne Gore, Vlada Crne Gore, Vojska Crne Gore, Predsjednik Vlade Crne Gore, lokalne vlasti, sudstvo, Predsjednik Skupštine Crne Gore.

The same research reveals that 47 per cent of people believe that NGOs work in the interests of citizens of Montenegro, 20 per cent in the interests of NGO leaders, six per cent in the interests of the government, eight per cent in the interests of political parties and five per cent in the interests of foreign countries (14 per cent have no opinion). When asked to assess the level of influence that NGOs exert on decision-making, most people assessed it as being moderate (34 per cent) and little (32 per cent), while 22 per cent believe it to be nonexistent. In total, nine per cent believe that this influence is significant and four per cent could not say.

Conclusion

Since the beginning of the transition, civil society has been seen as one of the pillars of the democratic transformation of Montenegro. Its contribution to this process has undoubtedly been significant. However, the relationship between the two is not as simple as it appears and 'empirical research on civil society should study the nature of the relationship between civil society organisations and democracy/democratisation, rather than assume it' (Kopecky and Cas, 2003).

On the positive side, as the predominant form of civil society in Montenegro, non-governmental organisations have been the primary drivers of transformation and change. Without their contribution, the reforms would have been much slower and more superficial in nature. NGOs provided alternative solutions and policies, which they strongly advocated. They have also been active as watchdogs and controlled the process of implementing the new legislation.

We can differentiate three distinctive phases of the transformation of civil society that track the phases of Montenegro's transition. These phases were externally induced by the nature of the regime and the intensity of relations with international and foreign organisations. Both factors influenced change in the structure of the civil society in terms of both the number of the leading organisations (mainly non-governmental organisations) and their internal composition. In the early phase, when civil society was cut off from the rest of the world and valued its strong anti-government sentiment, it was small in size, unstructured and unorganised. Later, it became more professional with the support of foreign financial contributions. Changes in these contributions since Montenegro became an EU candidate country has significantly influenced the structure and the size of the non-governmental sector.

Table 7.4: The main characteristics of the three phases of development of civil society in Montenegro

Question	Civic alternative phase 1989–1997	Expansion phase 1997–2006	Europeanisation phase 2006–
1) What was the predominant attitude towards the regime in Montenegro?	Predominately anti-regime attitude	Mostly cooperative with the government Predominantly pro-independence and anti-Milošević sentiment	Neutral and critical attitude toward the government
2) What was the state of relations with the international community?	No significant foreign influence and financial contributions due to the country's isolation	Significant influx of foreign donations	Steady decrease of foreign donations Strong influence of the EU's agenda
3) How was it structured?	Inadequate legal framework, NGOs and political parties regulated by the same law, Small semi-formal groups and organisations, mainly writers clubs, independent media etc.	Fair regulation of legal framework, Large number of newly founded NGOs,	The professionalisation of civil society, A few large professional organisations dominate Reduced number of active small NGOs, More active labour unions

Some scholars have evaluated civil society groups in Montenegro as being 'lively, active independent' (Batt, 2013: 69). However, we believe that, regardless of the de facto importance of the role that they have played in the transformation of the country, their main function, to articulate the views and needs of Montenegro's citizens, has remained unfulfilled. Krastev poses a very interesting and relevant question on this matter: 'Another key misconception of the transition discourse is its implicit belief that the devolution of state power is *ipso facto* good for emergent civil society. The victory of democracy was understood in terms of the withdrawal of the state and the concomitant rise of non-governmental organisations (NGOs). But did a proliferation of NGOs, most of which depend on Western sponsorship to get going and stay afloat, really betoken the strengthening of civil society and the consolidation of democracy? Can civil society be said to flourish in places where the state does not function and the rule of law is absent?' (Krastev, 2002: 43). If we take a narrow definition of civil society as non-governmental organisations, then perhaps the answer is yes. However, when viewed in the broader sense as a voice for citizens and a means of articulating their concerns, then the answer

is probably not; particularly since civil society in Montenegro is characterised by 'low levels of organisational membership and of participation by ordinary citizens' (Howard, 2003: 1). Robert Ladrech also notes that, with the exception of minority rights, there is a lack of bottom-up articulation of interest groups in many spheres of socio-economic development in post-communist societies (Ladrech, 2010) – a pattern that is also true of Montenegro. This 'wrong' direction of the interest articulation has remained the dominant feature of the political culture and civil society has not succeeded in reversing it. Moreover, the recent Europeanisation of civil society may even be reinforcing it.

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8 CIVIL SOCIETY IN BOSNIA AND HERZEGOVINA: ACCOMPLISHMENTS AND DILEMMAS

Ismet Sejfija

Introduction

In BiH, there are currently two parallel concepts of civil society: an activist and a neo-liberal one. The non-governmental sector, as a part of civil society, remains polarised and reflects both the ethnic and civil aspect of associations existing in BiH. Civil society has at its disposal sufficient resources with which to develop further the relevant processes of liberalisation and the consolidation of democracy, namely: the social and service function, the development of civil dialogue, civil participation, corrective activism, and peace work – all of which directly contribute to the processes of liberalising the social milieu. However, social dialogue in BiH is in a state of deep crisis and stagnation, while public protests and social demonstrations are becoming frequent phenomena.

Civil society in BiH: the theoretical perspective

The concept of civil society appeared in BiH in the first half of the 1980s in the writings of Slovenian theorists (Tomaž Mastnak, Frane Adam, Darka Pomdenik, Gregor Tomc), based on the idea that a social civil society could serve as a platform for new social movements which '…do not see civil society as its precondition, but rather which enable its emergence' (Veljak, 1997a: 26).

Mastnak emphasises that civil society 'confronts uniformity and militarism, and is a tolerant society which accepts differences in opinion, freedom of choice and different lifestyles, an efficient legal system which guarantees the equality of all before the law, and is a secular society confronting clericalism, ideology and paternalism, and that as such it has the legitimacy to correct and sanction the political authority and power' (Mastnak, 1988: 6).

The early transitional projections of civil society naively believed that political, economic and other active participants would be able to establish civil society with all its components simply by modifying the institutional and political concepts and introducing market relations. The ethno-nationalists were able to justify the social mobilisation of the masses because the protests were much more than just expressions of ethnic dissatisfaction. Therefore, the ethno-nationalist elites will in future represent themselves as the leading force of democratic transformation and will attempt to ensure political legitimacy at the international level (Sekulić, 2004: 11).

During the period immediately before the war and throughout it (1985–1996) there was no theoretical discussion of civil society in BiH. The first expert discussions emerged during the second half of 1996, with the expansion of the non-governmental sector. The first study on civil society was published in 1997 (by Pejanović, Mirko and Kukić, Slavo 'Civil Society and Local Self-government').

The explosion of NGOs in BiH increased the interests of both researchers and theoreticians in civil society. The initial research indicates a demand and need for representatives of the non-governmental sector in the post-war period to identify the sector as a transitional factor, in both a professional and a theoretical context. One of the characteristics of this period is the conceptual discrepancy in the theoretical and research discourse. Concepts such as non-governmental sector, civil society, civil sector, and civil sphere were used largely interchangeably. Hence, civil society was reduced exclusively to non-governmental organisations to the exclusion of other active participants, such as trade unions, interest groups, non-formal groups, media, and universities. Only after the first post-war decade did more critical works on civil society begin to appear. In 2004, Božidar Gaj Sekulić published Civil Society, Ethno-Capitalism and the Labour World, the first critically theoretical paradigm on the phenomenon of civil society in the ethno-capitalist world. Proceeding from the hypothesis that the ethno-nationalist elites

and the international political mentors are unable to drive radical change in BiH, Sekulić argues that it is for civil society to articulate this change. However, he warns that advocating civil and civic society may end in the unconscious and tragic civic participation in a colonial apology for civil society as a neoliberal ideology of wild capitalism with no other alternative (Sekulić, 2004: 8). Conceptually, Sekulić differentiates civil society from civic society. 'While civil society remains in functional terms reduced to the space between the state and the market, civic society reserves a space outside of the state, as a melting pot of the multitude (Sekulić, 2004:12).' It is a question of two different contexts in which citizenship and the citizen have a different functionality. In civic society, there is a clear struggle for recognition (Kampf um Anerkennung, Hegel) through differences in thought, opposition between people as participants of the society, and the different layers in the so-called social stratification. Sekulić's text is significant owing to its questioning and criticism of the theoretical and practical dimensions of civil society as a whole (Sekulić, 2004: 13). Ugo Vlaisavljević contemplates the significance of civil society in the context of post-communist transition in BiH. He believes that, following the experience of communist and inter-ethnic conflicts, BiH society does not exist in the true sense of the word due to the inability of the state and the political elites to support the existence of a civil society. Top-down institutional and normative construction may serve only as a backbone to the process of revitalising BiH's social tissue (Vlaisavljević, 2006b: 195). All processes of democratisation must commence from the grassroots level and must be initiated by civil-society movements, otherwise they will fail. According to Vlaisavljević, the role of civil society has been taken over by homogenous national-religious communities. This was carried out by the leading representatives of all three nations: the religious institutions, the ethno-cultural associations, and the factions of national parties.

Hence, the most successful and strongest associations reserve the right to further develop pluralism of interest and their individual perspectives within a framework which is not social and civil but rather nationalist. Reintegration requires the victory of a pluralistic and nationally unified civil society over the monistic and nationally divided civil societies (Vlaisavljević, 2006b: 196). The pluralism of this society could break down within nationalist corpuses and connect them to other parts of other nationalist corpuses (Sekulić, 2006: 198).

Both authors highlight the decisive role played by civil society in democratic transition in BiH. In 2009, a study was published entitled The Non-governmental Sector in BiH: Transition Challenges (author Sejfija, 2009). Using a wider theoretical framework, the study proposed a new dynamic concept of civil society. The study referenced German theoreticians Wolfgang Merkel and Hans Joachim Lauth, who believe civil society to be a dynamic and contextually fixed category – 'within the existing conditions, a concrete civil society is developing with its different functions'. Hence both authors appeal to the implementation of an open and dynamic concept of civil society based on the argument that civil society is a historical phenomenon with different functions and forms permanently in motion (Merkel, 1999: 155).

Both the functions prevalent in the non-governmental sector and the assessment of their contribution to the processes of democratic transformation in BiH society were determined based on the concept and the results of empirical research conducted using a study model of 300 NGOs. Other authors also discuss the problems of civil society in BiH: Nerzuk Ćurak, Asim Mujkić, Milorad Živanović, Asad Nuhanović, Salih Foča, Mensur Justura, Slavo Kukić. However, these authors base their arguments on the 'orthodox' theoretical concept of civil society developed by Western authors such as John Keane, Juergen Habermas, Cohen, Arato, Diamond, Salamon and Anheier, all of whom were introduced to the broader scientific community via authors from neighbouring countries, such as Vukašin Pavlović, Lino Veljak and others.

There is a consensus among BiH's academic community that two concepts of civil society exist. Firstly, there is the activist concept that includes authentic civil associations which are not dependent on foreign donors and are critical of an ethnicised political sphere. Secondly, the concept of non-governmental associations, which includes a predominantly externally-funded sector that tends to develop government partnerships and to focus on the provision of services for particular social groups (e.g. youth). All in all, civil society has become polarised along ethnic / civil-political lines (Sejfija, 2009: 204).

Transition challenges: the role of civil actors in BiH

BiH entered its transition period burdened by the ravages of war, divided into three ethnic territories and framed by the Dayton constitution which reaffirms the ethnic principle of power distribution. The

highest political decision-making processes depend on the international community, personified by the institution of the High Representative with powers similar to those during the protectorate period, albeit with BiH now as a semi-protectorate (Nešković, 2013: 302).

Almost 20 years after the peace settlement, the result of the transitional processes in BiH remains. The ethno-politics of social life have prevented the affirmation of civil identity and its sovereignty. The socialist collectivism was replaced by an ethnic collectivism, while the process of ethno-liberalisation replaced liberalisation (Bieber, 2004: 11).

The greatest transitional challenge in BiH is the re-instalment of citizenship as a process in which the citizen, in the current liberal sense, becomes a real and functional basis for social and political processes. This is a question of establishing a sustainable balance between the ethnic and civic components of the political sphere. This would enable BiH to progress from the liberalisation and institutionalisation phase to the democratic consolidation phase (Bieber, 2004: 13). The road to this particular goal is possible only if civil society representatives engage authentically and critically in opposition to the dominant ethno-political ideologies and practices (Sekulić, 2004: 16). This raises the following questions: what role did civil society play in BiH's pre-war period? Did civil society ever really stand a chance of qualitatively opposing the nationalist revolutions?

Civil representatives in the pre-war period

The phenomenon of unconscious censorship of civil resistance to ethno-nationalist revolutions has led Gajo Sekulić to call the pre-war civil activism a 'dismissed history' (Sekulić, 2006: 11). Sekulić testifies to the existence of 'tens of thousands of actors who peacefully and democratically worked on resolving the discrepancies and antagonism between six republic political elites' (Sekulić, 2006: 12).

The first political non-party organisation in BiH was the Yugoslavian Association for Democratic Initiative (UJDI in BiH, henceforth in the text YADI), founded in 1989 in Zagreb with branch offices in all republics and provinces of the Socialist and Federal Republic of Yugoslavia. In Sarajevo in 1991, YADI organised a pre-parliament[1] of Yugoslavia, gathering civic oppositional parties and associations.

1 A pre-Parliament was a non-formal body: a public forum gathering relevant stakeholders of civil society.

Within the pre-parliament format, government and opposition round tables were held on a regular basis (Sarajevo, July 1991-February 1992). The main topic of discussion was how to prevent total war in BiH. On October 26, 1991, the participants agreed on a contract of peace and delivered it to the leaders of all six republics and to the International Conference on Yugoslavia (November 16, 1991). The contract called for the following: a discontinuity with the previous regime; for the transformation of property relations; for a parliamentary democracy; and for a rational and just resolution to the main conflicts within Yugoslavia (Sekulić, 2006: 12).

In Sarajevo, on March 11, 1992, mass protests took place as an expression of the anti-war spirit of citizens in BiH. These protests were held in Zenica, Mostar, Banja Luka and Travnik (Sejfija, 2009: 5). However, the pre-war peace activism of liberal and civil forces failed to halt both the ethno-polarisation and the onset of war. The escalation of ethno-nationalist ideologies supported those associations with nationalist and religious inclinations. Among the first associations to re-establish themselves in the period between 1990 and 1992 were the traditional and cultural associations. The Reformation Assembly of Croatian Cultural Society, Napredak, was held on September 29, 1990 in Sarajevo. The Serbian Cultural Association, Prosvjeta, was reformed in 1992. The publication entitled One Hundred Years of Preporod/Renaissance stated the following: the same ideas and tenets which guided the founders of Gajret/society-community (1903), the Social Pillars (1924), and the Cultural Association of Muslims – Preporod, which was banned from 1945 until its reformation in 1990, remain the same hallmarks of Preporod (Miljanović, 2002: 41–45). The entire associations were re-formed: the Young Muslims, the Muslim Forum, and the Movement of Croatian Catholic Youth etc. The mission and goals of these associations are defined as social demands, added to which is the belief that people should be accepted as a unit of civil society, which gives legitimacy to the current ethno-politics (Miljanović, 2002: 62).

The war period

In 1989, in the last days of the socialist regime, there were some 5000 associations in BiH. These included national alliances of cultural workers, sports and cultural associations (Hadžibegović and Kamberović, 1997: 47).

During the war, several liberal initiatives continued to exist in the larger urban centres (Tuzla and Sarajevo), albeit much reduced in size and activity. A Citizens' Forum was founded on February 28, 1993 as a response to the rising nationalism and the perceived need to preserve BiH as an independent, centralised and sovereign country. The forum participants believed that no single territorial unit should be monopolised by one nationality (FGT, 1996: 4). The forum activists sued the newspaper Zmaj od Bosne (Dragon of BiH) for disseminating nationalist and religious hate speech (November 17, 1993) and demanded that all the graffiti 'Put the Serbs on the Willows', which appeared after the massacre in Tuzla, be erased. Circle 99 began its activities in Sarajevo in 1992 as a non-censored voice of citizens of all nationalities. Many intellectuals took part in the work of associations, openly speaking out against the war and the interethnic hatred. Formally, the association was founded in 1994 with a different name The Associations of Independent Intellectuals – Circle 99 advocating the territorial integrity of BiH governed by principles of democracy within which the ideas of a free and open civil society of equal individuals would be possible (the Programme of Circle 99, 1994: 1). At the beginning of 1994, in besieged Sarajevo, the Association proclaimed its Declaration on a Free Sarajevo, signed by 185,000 citizens, while almost a million signatures were gathered by 3000 civil and peace organisations from 56 countries (Circle 99, 1994). During the war period, the association held public forums in which many intellectuals, politicians and public officers took part and worked toward the development of peace. With the beginning of the war, many organisations disintegrated: sport unions, trade unions, and other associations of socialist origin. During the war, associations of an ethnic character became more active with the support of the political elites. Some of these organisations worked as humanitarian organisations (the Catholic Caritas, the Muslim Merhamet, the Orthodox Dobrotvor, the Jewish Benevolencija, and ADRA, the Humanitarian organisation of the Church of the Advent). In addition, several attempts were made by religious organisations under the banner of humanitarian aid to intervene in politics.

With the onset of armed conflict, several international organisations began operating in BiH: the UNHCR, the UNDP, and UNICEF. Bilateral organisations followed, namely USAID and SIDA. In 1992 in Sarajevo, a new local foundation was registered: the Open Society Fund. In August 1992, CARE International opened branch

offices in Tuzla, Sarajevo, Banja Luka, Zenica and Mostar. OXFAM and the IRC began work in December 1992. Of the 123 countries that legally recognised BiH as a sovereign country, 34 of them sent humanitarian missions via non-governmental organisations. The intervention of international non-governmental organisations helped to develop both the organisational and professional resources of the non-governmental sector in BiH (Terzić Sali, 2001: 177).

The post-war period: the quantitative rise of the non-governmental sector

In March 1998, there were 542 organisations registered in BiH. By 2009 the number had increased to 9095. By 2013, the number of organisations had reached 12,000. There is no registry of the number of civil associations in BiH (Prorok, 2014: 7).

Non-governmental organisations are primarily active at the local and cantonal level (47.8 per cent); they are less active at the entity level (6.4 per cent) and at the state level (19.2 per cent). The least active areas are rural and sub-local areas, (7.7 per cent). Of the total number of organisations, 15.9 per cent operate from Sarajevo (Prorok, 2014: 8).

In contrast to the different determinants of the non-governmental sector in the post-war period, there is a consensus among BiH authors on the following two arguments. Firstly, there has been a clear polarisation of associations around ethnic and civil-political ones – although the majority of associations are declared to be multi-ethnic (Sejfija, 2009: 98). Secondly, due to the support of the international community, there has been a quantitative explosion in the non-governmental sector (Sejfija, 2009: 106). Stubbs describes such associations as civil and political NGOs that articulate alternative politics and have no substantial voice in the dominant ethno-political sphere (Stubbs, 1998: 16). Within this group, two subgroups exist: a quantitatively insignificant sub-group of around 60 associations founded on civil and liberal initiatives in the pre- and war-period.

In 1996, the Civic Alternative Parliament (GAP) was the first non-parliamentary opposition to the ethnic political structures in post-war BiH (Charter of GAP, 2006: 2). With formation of the Alliance for Change – a coalition of nine socio-democratic moderately national parties – GAP ceased to function. It was considered that, having overthrown the dominant nationalist parties, GAP had accomplished

its aims (Sejfija, 2009: 298). The second sub-group is made up of new associations founded in the post-war period as branch offices of international non-governmental themes – so called 'daughter organisations' (the Open Society Fund, Transparency international etc.) – and then as local associations mostly dependent upon financial support from the international community (Youth Organisation IPAK Mladost gradi budućnost Tuzla, CPCD, IBHI, Sarajevo). These associations are active as thinktanks. These and hundreds of others declare themselves to be civic, non-political, multi-ethnic and liberal, and work in different fields (democracy, peace, human rights, youth organisations, ecology etc.). More than half of those in this sub-group are 'grassroots' organisations with no significant political power or influence on the political regime (Žeravčić and Bišćević, 2009: 5). Various employers' associations, professional alliances and communities, as well as sports communities and associations work on the multi-ethnic axis (Sejfija, 2009: 282).

The purpose of the international support offered to hundreds of newly formed associations is clear: to establish a civic balance between the political and other ethno-nationalist subjects. In BiH, for the first time ever, the contingency of multi-ethnic organisations outnumbers the ethnic organisations, which were unable to rely on such international support. However, the claim as to the multi-ethnicity and civil character of the new local associations must be treated with caution. Some of these organisations evidently present their liberal credentials for the benefit of the international community, which finances some 10,000 jobs in the sector (Sejfija, 2009: 106).

Stubbs describes non-governmental organisations with only one ethnic background as ethnic NGOs. These are tied to closed projects in the ethnic discourse. The totality of these organisations makes up the ethnic non-governmental sector in BiH (Stubbs, 1998: 26). Examples of these organisations are: the Association of War Veterans RS, the Union of War Camp Survivors RS, the Alliance of Refugees RS, the Headquarters for Preserving Croatian National Interests and Identity, Čapljina, and the Young Muslims, etc. (Sejfija, 2009: 199). Ethnic NGOs make up barely one tenth of the 12,000 non-governmental organisations. The ethnic non-governmental sector depends on the support of ethnic political structures. So far, they have rarely cooperated with multi-ethnic associations or associations of the 'other' ethnicity (Sejfija, 2009: 200). Within the non-governmental sector, however, there are some examples of ethnic civic organisations:

the Serbian Civic Council, the Croatian Council of People, and the Congress Council of Bosniak Intellectuals, etc. These associations successfully combine the first and second component: they are open to cooperation with multi-ethnic organisations. Three of the organisations, along with Circle 99, worked jointly to pressure the government into putting forward the 2000 Constitutional Court Sentence, 5/98 III, to annul the unconstitutional decisions of entity parliaments which deny the constituency of all three peoples on the entire territory of BiH (Pejanović, 2005: 17).

The state and civil society in the post-war period

BiH inherited from the socialist regime its civic and legal legislation. In 2001, after a four-year public campaign, the Parliamentary Assembly of BiH proposed a bill on foundations and associations. The Peoples' Council of RS adopted the same legislation on September 27, 2001, and the Parliament of FBiH did so in July 2002. BiH finally had a piece of legislation drafted based on the civic and democratic principles of the European Union. However, the implementation of the same experienced difficulties. In July 2013, the government of FBiH proposed to amend this legislation. It proposed that the Federal Ministry of Justice should have the authority to ban the activities of these associations. Some 400 associations protested against this amendment. In the RS, the ruling party, the Party of Independent Social-Democrats (SNSD), instead published a blacklist of ten organisations which it held responsible for the potential instability in the RS (Karganović et al., 2013: 96). Both cases clearly illustrate the agendas of governments and ruling powers in attempting to control the work of NGOs.

A similar event occurred at the national level. On May 7, 2007, an agreement was signed between the Ministry Council and the non-governmental sector. The Agreement ensured the registration of the Office for Civil Society and the Board for Civil Society as independent bodies in which the representatives of civil society, the universities and the government could participate. These two bodies were supposed to protect the interests of civil society in their negotiations with the ruling powers at the highest level. On December 15, 2009, the Agreement Plus network was formed. Its goals were to put pressure on the government to implement the agreement. The network gathered around 474 associations from across BiH and initiated a

cooperation agreement between the non-governmental sector and political leaders in 54 municipalities (three cantons). However, it was not possible to implement the same agreement at either the national level or the entity level (Sejfija et al., 2013: 44).

In the early post-war years, the government supported organisations with national and religious affiliations. However, over time, funds were also distributed to other organisations. Until 2010, state funding for non-governmental organisations grew (in 2007, 107,219,316 KM; in 2008, 118,033,391 KM, and in 2010, 114,078,193 KM.). In 2012, state-level associations in BiH received 100,006,470 KM. Of which, 38.9 per cent was given to sports organisations, 15.2 per cent to war veterans and disability organisations, 11.5 per cent to NGOs performing social services, and 34.4 per cent to other types of NGOs. Of the total sum, just two per cent was allocated at the state level, while the ethnic and municipal levels received 32–34 per cent each (Prorok 2014: 11). Organisations advocating human rights and ecological rights received the least support: around 0.2 per cent (Žeravčić and Biščević, 2009: 13). There are different opinions on who finances the non-governmental sector and how it is financed. However, most believe that this support is provided by the international community (Prorok, 2014: 11). Through bilateral cooperation, many associations receive grants that are not subject to thorough inquiry or revision. The available data shows that, of the 300 NGOs researched, 244 of them are dependent on international donors (Sejfija et al., 2013: 41).

The role of civil society in the European integration processes

In 2002, BiH became a member of the Council of Europe. In 2008, a Stabilisation Agreement was signed with the EU. Research conducted following the agreement shows that around 70 per cent of the population believe that the only way out of a recession is through Euro-Atlantic integration. This re-affirms the argument that European integration is the only political vision on which any inter-ethnic consensus exists, regardless of whether this consensus is genuine or not (Hadžikadunić, 2005: 181).

The European Union began providing support to civil society associations immediately following the end of the war. From 1996 to 2000, the EU Commission invested more than €13m in projects

aimed at developing civil society (Slijepčević, 2013:8). The aim of these investments was to enable civil dialogue, cooperation between the non-governmental and the governmental sectors, and to found a suitable legal framework within which civil society and dialogue could function. The most significant result of this support was the Legislation on Associations and Foundations as well as the signing of the Agreement on Cooperation between the Ministry Council and the non-governmental Sector (Slijepčević, 2013: 8).

From 2007 until 2011, the average annual spending of the EU Commission on the Western Balkans was around €800m – the highest per capita fund ever given to any region by the EU Commission. Around €13m was allocated to BiH for all the programmes operated by the civil-society associations and organisations (Slijepčević, 2013: 7). The financial support focused on the following goals: strengthening the capacities and the role of civil society in EU integration processes; strengthening the partnership between the non-governmental organisations and the political organs of these candidate countries; and strengthening civil society cooperation between the EU and Western Balkan countries (Slijepčević, 2013: 8).

Generally speaking, CSOs in BiH contribute to EU integration processes in the following ways: by initiating and implementing civil dialogue in the processes of BiH's accession to the EU; by actively participating in the reform process and monitoring the measures achieved; by informing the public about EU integration processes; by participating in the pre-accession negotiations; by following up on fulfilment of the pre-accession criteria; by cooperating with authorities and the production sector in the better use of EU pre-accession funds; and by strengthening regional cooperation between current candidate countries and potential candidate countries, especially the countries of the former Yugoslavia (Slijepčević, 2013: 8).

Around 200 CSOs are active in the EU integration processes. The Europe for Citizens initiative brings together 35 CSOs under the auspices of the Special Representative of the EU who implements activities designed to inform and educate citizens on the conditions in the labour market, rural development and ecology. The European Movement in BiH (EPBiH) brings together 44 NGOs, 15 state embassies, nine government institutions, and 40 local authorities in BiH. It organises public campaigns against euro scepticism and promotes EU standards in various socio-economic spheres (Hadžikadunić, 2005: 181). It is commonly believed that the non-governmental

structures have made better use of the pre-accession funds (IPA) and provided substantial support to the government in this area. From 2007 until 2012, BiH had access to around €600m within IPA funds. (Hadžikadunić, 2005: 181) By the end of 2012, BiH had received €235m. According to the official data of the Directorate of European Integration, BiH made use of just 35 per cent of the available funds (Hadžikadunić, 2005: 183).

In general, the civil non-governmental sector in BiH publicly supports BiH's integration with the EU. However, representatives of these organisations believe that 'the role of civil society in the EU integration processes is not recognised either by the authorities, which consider the non-governmental sector as a threat, nor by the general public which lacks information and knowledge about these processes' (Sejfija et al., 2014: 66). Furthermore, the attitude of ethno-nationalist politics toward EU integration in BiH varies. The political parties representing the Croatian and Bosniak groups publicly support the integration processes, while in the RS representatives of several political parties express reservations about the EU. A great number of ethnic NGOs adopt the same position, for instance: the Serbian People Movement 'The Choice is Yours', the Serbian Chetnik Movement, the War Veterans' Association, and the organisations representing war victims (Sejfija et al., 2014: 52).

Liberalisation and democratic consolidation in BiH: the potential of civil society

Certain NGO functions have positive effects on liberalisation and the process of consolidating democracy. The crisis of the social welfare state created space for the development of NGO social services. Citizens are becoming more aware of their own social responsibilities and are setting up associations that represent their interests and needs. The state monopoly in the social domain has diminished due to the establishment of alternative resources provided by other civil participants in the social service sphere. The non-governmental sector has assumed responsibility for a substantial portion of these services (Bežovan, 2004: 36).

Subsidiarity presumes individual actions and responsibility for the materialisation of the needs and interests of citizens (Salamon and Anheier, 1996: 93). Around 40 per cent of all social services are performed by NGOs, especially in certain domains, such as working

with victims of violence, social support for young people and rural areas, the social inclusion of marginalised groups, and psycho-social support. (Sejfija, 2009: 111). Twelve per cent of all the 60 networks active on the entire territory of BiH are NGOs providing various social services (the Women's Network, the Union for Sustainable Return, the Network for Rural Development, the Youth Network etc.) (Prorok, 2014: 11). Networking at the national level, beyond the ethnic and entity parameters, is a valuable paradigm and contributes to the reintegration of BiH citizenship, and to the process of liberalisation in BiH.

The first initiators of civil dialogue in BiH were non-governmental organisations. Public forums, campaigns, legislative advocacy, government monitoring, and the like, are common practices among NGOs. However, the political elites have failed to respond to activism of this kind. Hence, the institutionalisation of civil dialogue at the state level is also lacking (Žeravčić and Biščević, 2009: 16).

We have said that the Agreement between the Ministry Council and the non-governmental sector from 2007 was not implemented. After GAP ceased to function, and since 2002, there have been several attempts to form a coalition and networks at the state level so as to be able to establish and maintain civil dialogue with the authorities. In 2006, a coalition was formed, called Civic Organising Pro-Democracy (GROZD). This was initiated by the Centre for the Promotion of Civil Society, supported by 400 different civil-society organisations. In the civic election platform in 2006, GROZD formulated 12 demands that were to be fulfilled by the newly elected government. The demands were to be fulfilled by the end of 2010. The platform was signed by 36 out of the 47 parties registered at the elections. During the pre-election campaign, GROZD gathered 500,000 signatures in support of the platform. A broad media campaign ensured the coalition's goals were broadcast across the entire country. In December 2006, following the constitution of both parliament and the government, GROZD published its proposal on the foundations of the work of the legislative and executive authorities of the cantons, entities and the state for 2007. However, there was no shift in power between the liberal-civic and ethno-nationalist political parties following the elections (Sejfija, 2009: 178). In 2008, GROZD's activist base, together with the support of 200 liberal intellectuals, founded a political party called Our Party. This was a socio-liberal, political, multi-ethnic party whose goal was to fight the

domination of politics by the national and corrupt social democratic parties. Our Party has several representatives at all levels of government and is the first political party in BiH to have arisen from the strength and activism of civil society. However, this party is unique in this respect (Sejfija, 2009: 46).

The development of civic participation practices in BiH is mainly the result of NGO activities. Legislative power in BiH guarantees freedom of information on the work of government at all state levels. Officials of all parliamentary bodies in BiH and municipal representative bodies guarantee the transparency of their work. The Ministry Council of BiH at its 128th session on September 7, 2006 adopted the Rules for Consultations on how to create legal directives in institutions of BiH. Generally, there are reasonable legal preconditions for the development of civic participation in BiH. (Sejfija, 2009:208).

During 2012, NGOs initiated around 1400 different discussions with government representatives on various issues from corruption to ecology and infrastructure. The majority of these initiatives (69 per cent) were implemented at the local level (via referendums, civic initiatives, petitions), somewhat less at the cantonal level (11 per cent), while at the entity and state level around one third (30 per cent) of these initiatives were implemented (Sejfija et al., 2013: 68). The majority of NGO networks are active in the promotion of civil dialogue, government monitoring, civic participation, human rights and democratic values (out of the 60 existing networks, 47 are active in these areas).

A significant number of NGOs are active in the peace-building domain (around 120 organisations). These organisations are part of the Peace Building Network, consisting of 88 organisations from the entire country. The network focuses on the long-term empowerment of civil society and on building capacities to embrace differences and to work constructively and non-violently on conflict resolution. The goal is to create a space for joint, constructive and coordinated action between NGOs, local self-government, the business sector, the media and state institutions (Part of the Network Strategy). The current ethno-politics have been unable to resolve the problems of how to confront the past. The logic of preserving the ethno-politics is the logic of conflict, which is still active in maintaining the state of 'negative peace' in BiH. The dominant public opinion is that peace consists of there being a 'lack of war'. The belief that peace follows war makes it difficult for peace to exist unconditionally (Sekulić, 2006: 23). The spectre of peace activities combine the pedagogy of peace

and the development of peace culture, confronting BiH society with the past and improving the process and the institutions of transitional justice. In the post-war period, seven attempts were made to establish a Truth and Reconciliation Commission on war crimes – none of these attempts resulted in alternation of the inter-ethnic conflict matrix. Research conducted in 2014 (Sejfija et al., 2014: 78) among pupils and students shows that 92 per cent of young people believe that the process of positive peace is hampered by the political elites in BiH and in neighbouring countries. Seventy-six per cent believe that the peace activism of NGOs makes a significant contribution to the development and continuity of the peace discourse in BiH, while 24 per cent regard judicial institutions as the final means of addressing the implementation of peace and justice. In the context of transitional democracy in BiH, peace and civil activism is of crucial importance. Furthermore, this type of activism is almost entirely financed by international donors (Sejfija et al., 2014: 78).

Social dialogue in BiH: the main characteristics

Social dialogue in BiH remains determined by defeating results of transitional processes in the economic sphere and the ethnic animosities and division of civil representatives: trade unions and associations of employers, the inability of the working class to adapt to the newly created conditions. According to the available data of the Statistics Agency of BiH, the rate of unemployment in 2014 was 27.1 per cent or 552,362 people, while the total number of the employed was 701,348. In 2014, the number of retirees was 620,280, which means that the ratio of retires to employed is 1 to 1 (Report BHAS, 2014: 4).

BiH ratified the EU Social Charter on October 7, 2008 and therefore has a duty to establish a constructive social dialogue. Economic social councils are active in FBiH and RS. These are tripartite bodies comprising trade union representatives, representatives of the government, and employers. Their task is to enable social dialogue. The work of these bodies has not alleviated the dissatisfaction of workers. After the war, around 3000 strikes were organised (Sejfija et al., 2014: 11).

The dissatisfaction escalated in February 2014 with mass demonstrations in Tuzla, Sarajevo, and in 13 other cities of BiH. It escalated again in Tuzla following the general elections in October 2014.

The lack of any autonomous and independent social partners has influenced the potential for social dialogue. In BiH there are two trades union umbrellas: the Alliance of Independent Trade Unions of BiH (SSSBiH), and the Alliance of Trade Unions of RS (SSRS). The first umbrella organisation consists of 24 branch unions registered in BiH. The second gathers only branch unions from the RS, in total 19 of them. The trade union of the Brčko District is a third group, and, from 2004, together with the SSSBiH and SSRS, makes up the Confederation of Trade Unions in BiH. The trade union elites distanced themselves from the workers and aligned with political parties. An example of this is the Alliance of Independent Trade Unions in BiH, where the union elites signed a Protocol on Cooperation with four parliamentary political parties in 2011 without having consulted beforehand with their members. Branch unions demanded an end to the alliance, but their demands were not heeded. In response to this, a new independent trade union of Solidarity was registered in Tuzla on December 1, 2014. The same union has organised mass protests. In RS, not one trade union organisation has managed to protect its workers' rights from the employers or from the policies of ethnonationalist politicians (Buljubašić, 2012: 17).

The regime in Yugoslavia managed to bring workers closer to the production processes so that they had a stake in the running of it. In the transition process, however, the workers and the working class became classified as non-legitimate and as an undesired remnant of communism. Today we are faced with the classic economic conception of the wage worker who has no direct influence or power over the decision-making processes (Kazaz et al., 2014: 6). In BiH, the situation is even more complex, because the working solidarity has been replaced with the ethic solidarity (Mujkić, 2014: 14).

The Association of Employers publicly works within ethnic parameters. In February 2002, the International Labour Organisation (ILO) supported the registration of the Association of Employers of FBiH. The goal of the association was to become a legitimate voice of employers in the tripartite social dialogue. On August 27, an agreement was reached – the Agreement Registering the Economic-Social Council of FBiH. During 2005, a general collective agreement for FBiH was signed. This was followed by the Social Agreement and Programme Measures for reducing the effects of the global financial crisis in 2008. The Alliance of RS Employers' Associations (UUPRS) was founded in Banja Luka in 2004. This was

an initiative of 13 branch employers' associations, while the Association of Employers of Brcko District registered two years later – on April 4, 2006 (Sejfija, 2009: 201). With the registration of this body, the Association of Employers BiH was able to make respect for the territorial principle one of its values. However, some of the members of the Employers' Union in RS contested the representation of these organisations.

Until 2010, there was no precondition for social dialogue at the state level of BiH. From October 23, 2010, with the support of the ILO, negotiations began between entity associations. The Associations of Employers of BiH continued to exist, however they were renamed the Alliance of Employers' Associations of BiH (Buljubašić, 2012: 46).

These associations played a significant role in creating the institutional and legal preconditions for social dialogue in BiH. Due to ethnic divisions and the influences of ethno-politics on economic trends, employers continued to concentrate exclusively on their income, but not on the social state of the country. The Association of Employers of FBiH withheld its support for the revision of privatisation, which was the central demand of protestors in February 2014. At the 2014 general elections, disillusioned voters expressed their dissatisfaction with the leftist Social Democratic Party, which had been victorious in previous elections, by deserting it: it lost 70.48 per cent of its voters. In the previous mandate, representatives of the left had done nothing to improve workers' circumstances. Analysts agree that social dialogue in BiH has entered a phase of severe stagnation. Following the elections, workers were high. Yet, besides the defeat of the leftist parties, the elections brought nothing new to the political scene. The ethnic matrix continues to be the dominant governor of political life, infiltrating other domains and spheres (Mujkić, 2014: 5).

Controversies of civil activism in BiH

Certain problems and controversies burden the functioning of civil and social subjects in BiH. This is a point of agreement between both the academic and professional discourse on civil society. As a basis of civil society in BiH, the ethnic nature of certain parts of the civil sector constrains its liberal potential (Vlaisavljević, 2006a: 299). In such a setting, BiH citizens remain de-politicised and their membership of the constitutive ethnic collective imposes itself as their exclusive personal identity (Mujkić, 2003: 28).

The development of active citizenship as a generative substance of civil society in BiH becomes reduced to ethno-collectivism, which defines the political space. The ethnic component of the CSOs continues to be supported by the dominant ethno-politics and does not contribute to the integration process of BiH society. Civil and social subjects were the first to begin the processes of restoring the broken social ties in BiH. Slavo Kukić (2006: 109) believes that non-governmental organisations were the first forms of political opposition against the ruling national oligarchies. Parallel to these processes, financed externally, civil-society organisations began to cooperate with the governmental and state institutions. This is why, in the post-war period, NGOs demonstrate a lack of oppositional character and strength. However, the organisations with national characteristics have remained relatively close to the civic political opposition, while the genuine civil activists have become reduced in number (Kukić, 2006: 109). Such civil society, with its internal divisions, is unready to position itself as both a partner of the state government and its corrective subject. In addition, we cannot expect even the minimum level of civil ethos and integration of NGOs into a unique project of social and civil management (Carothers and Ottowai, 2000: 66).

The fact that many NGOs remain financially dependent on international donors influences the social and political setting of BiH. Many NGOs adjust their mission and projects to the expectations of their donors rather than the needs of their beneficiaries (Sejfija, 2009:187). This indicates a particular civil colonisation of BiH as 'asymmetry based on inequality of financial support to civil representatives, which further on affects the specific socio-political context' (Stubbs, 1998: 36). Furthermore, an additional consequence is the phenomenon of project-isation of civil society, namely, the complete focus of NGOs on projects. During 2014, NGOs in BiH remained outside the 'Plenum Movement'. Many believe that this fact testifies to their separation from citizens and the real needs of citizens (Sejfija et al., 2014: 4).

Conclusions

The scientific explanation of civil society in BiH remains incomplete and does not correspond to the dynamics by which civil society with all its components develops. Financing democracy from the outside enabled the growth of NGOs in post-war BiH. Within

the non-governmental sector, for the first time in the history of BiH, multi-ethnic and civic associations now outnumber the ethnic and religious ones.

In BiH, priority is given to the neoliberal concept of civil society, which advocates partnership with government, while the corrective activism and activist concepts of civil society remain stunted.

The non-governmental sector functions as a 'project market' whose dominant characteristic is its influencing of the civil project engineering. However, the results of NGO projects reveal the progress of civil dialogue, social services and development of civic participation and peace activism. There currently exist solid legal and formal preconditions that could further influence the development of these functions. However, the relationship between the government and NGOs remains unsatisfactory.

The part of the non-governmental sector that continues its corrective activities and critical position toward the current politics is threatened. Some of the non-developed organisations have given their support to the state institutions in the EU integration processes and the use of the pre-accession funds. The public promotion and advocacy of EU integration is primarily initiated and disseminated by the non-governmental sector. Their role is to participate in the monitoring, to inform the public of all the problems and the achievements.

Social dialogue in BiH stagnates due to the lack of autonomous social partners. Trade unions and employers' associations remain divided along ethnic and entity lines and are under the influence of political elites, thus there are both formal and institutional preconditions for their cooperation.

At the time of writing, BiH is experiencing a period of complex change, which means that the current situation poses more questions than it answers. The transitional processes in BiH depend upon the just engagement of civil society, and on *slight* changes in the sphere of politics. The basis of the ethno-political matrix remains unmodified in the post-war period. In the domain of civil society research and scientific discourse, we should expect new concepts that are free of both ideology and politics. Until there is a synergy between civil and political forces that genuinely desire to see BiH's social milieu liberalised instead of the current conservative and populist ethno-political process, BiH's democratic transition and its accession to the EU and NATO remain out of reach.

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9 THE CURRENT STATE OF CIVIL SOCIETY IN MACEDONIA AND ITS DISTINCTIVE PATTERNS OF DEVELOPMENT

Cekik Aneta and Hristova Lidija

Introduction

The literature on democratisation addresses the relationship between civil society and democracy and examines the possible roles that civil society could play in consolidating democracy (Schmitter, 1993; Morlino, 1998; Kopecký and Mudde, 2003). The literature considers different definitions and conceptions of civil society in order to analyse the autonomous sphere of citizens' organisations (Keane, 2010).[1] Theories of democratisation tend to treat an autonomous civil society as one of the pillars of a democracy (Linz and Stephen, 1996), and tend to regard civic activism and participative political culture as a necessary supportive foundation for the preservation of democracy in the long run (Diamond, 2001). In light of this, our paper aims to map the main trends in civil society development in Macedonia since the 1980s, and to analyse the role of civil society in the process of democratisation in the country.

1 For the purposes of this paper we will use John Keane's definition of civil society, namely: 'a term that both describes and anticipates a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organising, self-reflexive, and permanently in tension, both with each other and with the governmental institutions that 'frame, constrict and enable their activities'. This definition also includes those organisations whose primary activities fall within the production process/economy.

We will begin our analysis with the observation that, during socialism, Macedonia was one of the most inert environments in the former Yugoslavia in terms of the development of citizens' initiatives and organisations. The only exceptions were the 'socio-political organisations' which existed alongside the League of Communists of Macedonia (LKM) (such as youth and women's associations, and trade unions) or sport, cultural and professional associations. The debate about civil society only got under way during the second half of the 1980s, while the first citizens' organisations only appeared just before and just after the proclamation of independence in 1991. The mobilisation of issue-led organisations continued throughout the 1990s, and, in the first decade of the twenty-first century, new, more liberal NGOs and non-mainstream groups have appeared.

Although the process of democratic transition has nurtured new impulses for the development of civil society in Macedonia, most of the structural factors have been unfavourable and have limited the consolidation of a vibrant civil society. A weak economy, ethnic tensions, conflict (2001), and the slow pace of democratisation have all contributed to restraining associational activity. As a result, a significant number of organisations have only a modest membership base and are unable to function without the financial support of foreign donors. Nevertheless, they have proved to be important contributors to democratisation process in Macedonia, helping to place important issues on the political agenda and holding the government accountable to the public.

In the second half of the 2000s, important legal changes concerning the inclusion of civil society in the decision-making processes were introduced, backed by the support from the EU accession process and by the activities of other international organisations in the country. At the same time, in recent years, the public has become increasingly mobilised through social media, so social movements and citizens' protests have become more frequent, especially on socio-economic issues, the issue of police treatment of citizens, and the architectural redesign of public spaces. In real terms, however, their influence on government decisions remains limited.

The main characteristics of civil-society development in Macedonia

Civil society before 1991

Macedonia did not enjoy a history of great civic activism before communism. In the absence of a national state before 1944, the most important forms of citizen engagement were the national independence movements and organisations, and the cultural societies in the second half of nineteenth century and in the beginning of the twentieth century. These organisations played an important role in maintaining the national consciousness. They organised several national uprisings against Ottoman rule and were involved in defending Macedonian interests in the international political forums during the Balkan Wars of 1912–1913, and between the First and Second World Wars (Katarđiev, 2008; Bitovski, 2008; Mukovska-Čingo, 1999). In the interwar period, the workers and the supporters of communist ideology (communists) were also involved in (underground) political activity.

The roots of autonomous citizens' organisations and alternative engagement during the communist period can be traced to the student protests of 1968 and the wave of liberalism that took place in socialist Macedonia at the end of the 1960s and at the beginning of the 1970s. The massive gatherings along with debates on the current social problems took place at the universities where demands were made for greater freedom and self-governance, more autonomy for the university, and better study conditions. These protests were inspired by the protests that had taken place at the universities in Belgrade and Zagreb, where the student protests had been far more dramatic, on a much greater scale and more vocal. Although the student protests in Macedonia were less intense than in other republics, and although the situation quickly 'normalised', they served to highlight a serious malfunctioning of the system, and thus acted as a midwife to the birth of the so-called liberal spring in Macedonia (Mirčev, 2013: 121).[2] The liberal supporters put the questions of democracy,

2 The liberal concept was based on the requirements of freedom of opinion, pluralism, market economy, as well as affirmation of the national cause (the rights of the Republic) which was felt to be threatened by the federalist Yugoslav identity ('jugoslovenstvo'). Aspiring to a form of socialism with a 'human face', i.e. for some kind of 'social(ist) liberalism', this concept was neither anti-systemic nor opposed to the communist ideology.

centralism, monopartism and pluralism, federalism and sovereignty on the agenda. They were fiercely critical of the conservative party structures in the Republic. This provoked a strong anti-liberal reaction, (Mirčev, 2013: 161–176) the consequences of which continued to be felt in the following decades.

In the 1980s, interest in civil society in the East revived as a result of the growing discontent among workers and due to the new embryonic movements demanding democratisation. Their common denominator was the permanent rebellion of society against the state, 'sometimes quiet, sometimes open and loud' (Pavlović, 1999: 83). This was a period of calm in Macedonia. The absence of any disruptive debates, or expressions of alternative views or initiatives was not an indicator that the deep social problems did not exist, but that there was a lack of public consciousness and lack of popular critical mass with the will to initiate changes.[3] The intellectual elite were no exception. While in the other federal states of Yugoslavia (especially Slovenia, and also Serbia and Croatia) the civil-society debate had made its mark on the public consciousness, in Macedonia it prompted only marginal interest.

Various authors have advanced explanations as to why this was so. The cause often cited was the very real confusion about the meaning of the term 'civil society', which was translated as *граѓанско општество*.[4] This term did not have a clear meaning for the Macedonian public either on a theoretical-conceptual level, or on practical level. In fact, the term had associations with the rather sensitive issue of 'civil duty', which was a substitution for the obligatory military service, as well as an association with capitalist bourgeois society and its negative stereotypes. It was not until the second half of the 1980s, within the framework of the League of Communist Youth, that the

3 Daskalovski, on the other hand, considers the following to be indicators of pluralism in Macedonia: the appearance of alternative pop and rock bands performing in the Macedonian language (instead of Serbo-Croatian); the relative freedom enjoyed by the Orthodox Church in the 1980s in Macedonia; as well as the creation of groups representing unrecognised Macedonian minorities in neighbouring Greece and Bulgaria. This led him to conclude that, from the early 1980s onward, 'Macedonia witnessed the rise of a plethora of groups, movements, and associations that gradually emphasised elements of the Macedonian ethnos and culture that had largely been ignored during the previous period' (Daskalovski, 1999: 6).

4 Later, some scholars proposed other terms, such as 'граѓанско содружништво' (Trajkovski, 1997).

debate about the civic initiatives in Slovenia came to Macedonia. In 1987, a number of issues related to these topics were discussed across the country. These included questions such as: what are the so-called new social movements? Why are they appearing? Are they compatible with the socialist system? Are they imitations of similar occurrences in the West? and what line ought the League of Communists of Yugoslavia and Macedonia to take with regard to them? (Ivanov, 1994: 145–146).[5] The first theoretical elaborations on the terms *civil society* and *new social movements* and related issues were initiated by young intellectuals and appeared in the youth press Mlad Borec and Studenski zbor, as well as in other publications such as Komunist (for example Frčkovski, 1988) and the Third Programme of the Macedonian radio publishing.[6]

Nevertheless, no serious ideological competitor to communism appeared from civil society prior to the proclamation of Macedonian independence. Instead, the main source of transformation from the one-party system to pluralism was the ideological struggle between the liberal and conservative wings of the League of Communists of Macedonia.

Civil society since independence

Following the introduction of the debate on civil society in Macedonia, the first citizen organisations were established. These consisted of several environmental groups established in 1989, concerned with the problem of the evaporating Lake Dorian, and the Human Rights Forum of Macedonia, formed on April 20, 1990. Other types of citizens' organisations, such as women's rights groups, a consumer-protection organisation, organisations supporting the rights of people with special needs, and youth and student organisations were also registered. The development of civil society was a response to

5 The meeting of the Republic Conference of the LCM (Nov 26, 1987) was especially important since it elaborated the concept of a *socialist civil society*. These debates were cautiously observed in Macedonia. Ivanov observed that there had been informal pressures and accusations from the leaders of the LCM and the League of Socialist Youth of Macedonia. Nevertheless, he concluded that 'the youth organisation of Macedonia will be one kind of aggregation centre of new initiatives in the Republic' (Ivanov, 1994: 147).

6 The March 13, 1989 edition of Mlad borec was thematically devoted to political pluralism. One month later, the first article on civil society was published in the same magazine, while issues 45–46 (1989) of the magazine Treta programa were devoted to civil society in post-communism.

the needs of the Macedonian society at the time, but they were not closed to the influences of globalisation either. For example, at the end of the 1990s, the Kosovo crisis and the mass influx of around 350,000 refugees put socio-humanitarian issues on the agenda of civil society activism. Meanwhile, after the 2001 conflict, the topic of multiculturalism increased in significance, both with regard to the number of organisations active in this field and the amount of financial support for such activities. As with other post-communist states in the 1990s (Carmin, 2010; Uhlin, 2006), branches of international NGOs and foreign foundations (most noticeably the Open Society Institute) also entered the country, placing new issues on the activity agenda and establishing themselves as important donors – which they have remained to the present day.

Since 2001, new ideologically diversified and non-mainstream groups have been active in the civil sector. These included: the LGBT movement, which introduced the topics of sexual orientation and gender identity; organisations for the protection of the rights for people living with HIV (sex workers and drugs users); economic and social left-wing (Marxist) groups; animal rights groups and others. Only very recently have these organisations gained their conservative counterparts, which tend to mobilise as a reactionary response to their protest activities.

Over the last few years, citizens' initiatives in the form of social-protest movements have represented a new significant development in Macedonian civil society. A distinct trait of these initiatives is that they grew out of self-organised groups of citizens, especially young people using social media. Their growth began with students protesting the government plans to build a church in the central square of Skopje in March 2009 (Plostad Sloboda, Prva Arhi Brigada). These were followed by the protests against police brutality in July-August 2011 (Stop the police brutality) and protests against the increase in the price of electricity in 2012 (Aman) among others. In 2013, gender equality groups, supported also by leftist political parties, protested against the introduction of legal restrictions on abortion.

In recent years, one of the most important external factors shaping the agenda and the further development of civil society in Macedonia has been Macedonia's pre-accession process toward European Union membership that began with the signing of the Stabilisation and Association Agreement in 2001. Democracy-promoting organisations and thinktanks have become especially active in monitoring

the EU agenda of the government and their progress in fulfilling the EU's requirements. By monitoring and occasionally participating in the process of transposing EU legislation, civil-society organisations also assist in the process of EU accession and help to import EU rules into their activity areas. The EU in return emphasises the importance of including civil society in domestic politics, and through its conditionality approach puts pressure on the Macedonian Government to increase the participation of civil society in the policymaking process.

The population of organisations by group type is certainly changing with the changing political system. For example, during communism, the overwhelming majority of civil-society organisations were professional associations, trade unions, sport and cultural associations and voluntary firefighting associations (Table 9.1). Today, aside from the sports groups, the most numerous are citizens' organisations (NGOs) (represented in the category 'others' in Table 9.1).

Table 9.1: The number of civil society organisations in Macedonia (1954–2013)

Year	Sport	Culture	Professional associations	Voluntary firefighting associations	Others	Total (number)
1954	27.6%	10.3%	3.7%	55.6%	2.2%	1104
1962	28.1%	11.4%	7.3%	41%	12.3%	1138
1971	30.9%	8.4%	6.6%	45.3%	8.8%	1535
1980	39.9%	9.1%	9.2%	23.7%	17.8%	3077
1990	41.3%	11.1%	11.8%	14.6%	21.1%	4203
1998	43.6%	13.1%	10.4%	5.9%	26.8%	6526
2001	-	-	-	-	-	3433
2003	35.4%	10.4%	6.7%	1.6%	45.9%	5769
2009	27.6%	4.5%	8.1%	-	59.8%	10,700
2013	-	-	-	-	-	13,021

Source: MCIC, 2011; Nuredinovska and Ognenovska, 2014.

As a consequence of the changes to laws regulating this sphere, we can observe a variation in the overall number of organisations in Macedonia since the 1990s (MCIC, 2011 and Table 9.1). The adoption of the first Law on Citizens' Associations and Foundations in 1998, amendments, and the new Law on Citizens' Associations, adopted in 2010, which changed the rules for (re)registration of organisations, marks a discontinuity: there is a sharp decrease after

1998, followed by a later increase in the numbers of organisations. As of 2013, there are 13,021 organisations, 4574 of which are registered in accordance with the 2010 Law on Associations and Foundations, and which are considered to be active (Nuredinovska and Ognenovska, 2014). In addition to these organisations, there are 48 branch and umbrella trade unions (Ministry of Labour and Social Policy, 2014b), 93 chambers of commerce, employers' and other business associations, and 35 religious associations (MCIC, 2011) registered in separate registers that comprise the total population of interest organisations in Macedonia.

Democratisation and civil society in Macedonia

Even though Macedonia played no part in the Yugoslav wars of the 1990s, its democratic transition was marked by several processes that had a profound impact on the democratisation of the country. In establishing itself as an independent state, Macedonia faced major problems of international recognition, and the ethnic tensions that had been simmering throughout the 1990s escalated into an armed conflict in 2001. Coming only a decade after the 1991 constitution, the ethnic conflict prompted changes to the design of the constitutional system and introduced elements of consociational power-sharing (Lijphart, 1977) in the former majority system. These security issues were accompanied by an economic embargo imposed by Greece in the 1990s and the indirect effects of the western European economic embargo imposed on Serbia. In addition, the challenges of privatising the public enterprises and the widespread corruption contributed to the country's sluggish economic development, with high poverty and unemployment rates in excess of 30 per cent during the period of transition. Macedonia's inefficient state institutions, the challenges of establishing an independent media and the rule of law were noted in international and domestic reports and analyses. These factors have shaped the environment in which civil society has been developing.

These democratic deficits in Macedonia have strengthened the position of political parties which for the most part continue to control the economy and other parts of society, such as the media and the judiciary (Levitsky and Way, 2008: 125; Siljanovska- Davkova, 2006, Mojanoski, 2009). The political party system is structured along ethnic lines. Nevertheless, inter-party competition within the ethnic blocs is surprisingly strong. While the most important issue on

the agenda of Albanian political parties in Macedonia remains the advancement of minority rights of ethnic Albanian citizens (Kadriu, 2011), within the Macedonian bloc there have been two ideological forces in competition with each other since independence (Hristova, 2011). The reformed liberal wing of the Communist Party – now the Social Democratic Union of Macedonia (SDUM) – which initiated the pluralist changes in 1990, are opposed by the centre-right Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (IMRO-DPMNU), a newly established centre-right political party that claims to be a continuation of the famous revolutionary organisation of the late nineteenth century that had nurtured the idea of Macedonian independence.

The rivalry between these actors goes beyond any normal political rivalry, and has sharpened in the last several years.[7] Some of these divisions have spilled over into the civil-society sector as well. For example, the government led by IMRO-DPMNU often accuses the most active NGOs of being too close to the opposition parties and of being under the influence of the Open Society Institute in Macedonia. The opposition and civil society representatives, on the other hand, accuse the government of violating civic freedoms and human rights and of undermining the integrity of civil society activists. They also accuse the government of creating artificial ('phantom') NGOs in order to organise counter protests that coincide with the social protests organised by liberal NGOs.

This extremely polarised political climate accompanied by unfavourable economic and social conditions makes it difficult for citizens to engage in voluntary activities. Preoccupied with the mounting economic problems, the majority of citizens have little disposable income to invest in membership of voluntary associations.[8] As a result, Macedonia's political culture with its high levels of authoritarian values (UNDP, 1999) is slowly changing (OSI and ISPJR, 2012). Even

7 This led to two parliamentary crises at the end of 2012 and to the 2014 preterm parliamentary elections. In the first case, after a period of filibustering over the adoption of the national budget, the opposition members of parliament were removed out of the chamber by the parliamentary security following an order of the President of the Parliament. In the second case, SDUM and coalition parties accused the government of organising 'criminal elections', and did not accept the parliamentary mandates. Since July 2014, the Macedonian Parliament has been functioning without an opposition.

8 A UNDP study on Macedonia reports that 43 per cent of the population consider their financial situation to be below average (UNDP, 2010).

though the number of citizens' organisations is high and follows the general trends in the CEE countries (Howard, 2002; Pérez-Solórzano Borragán2006), the majority of citizens' organisations have modest membership lists.[9] According to survey data from the 2008 European Values Survey, around 15 per cent of citizens in Macedonia are members of at least one voluntary association (including political parties) and 13 per cent of citizens are members of more than one (Hafner-Fink and Novak, 2015). However, the percentage of citizens who are members of a political party (11.2 per cent) is highest in the region and close to the percentage of citizens who participate in social associations (12.5 per cent). This is mostly because party membership is viewed as a primary means of obtaining employment and other resources in the public sector in Macedonia. According to a recent public opinion poll this trend has increased: in 2014, 17 per cent of the citizens were members of political parties (ISPJR, 2014). At the same time, only 3.3 per cent of citizens were members of a trade union, 1.9 per cent of citizens were members of a professional association, 6.7 per cent belonged to some type of citizen association (NGO), while 3.4 per cent of citizens were members of a cultural or sporting association. Some 67.8 per cent of respondents were not members in associations. In addition, in a recent study, the number of civil society organisations (excluding trade unions and business groups) with some kind of internet presence (web page, blog, social network page/profile) as a minimum condition of activity was around 200 (Cekik, 2015), which is in sharp contrast to the number of registered organisations presented above.

Ethnic divisions are a particular feature of Macedonia's political and social landscape. Undoubtedly, Macedonian society is deeply divided along ethnic lines, with the division between Macedonian and Albanian ethnic communities dominating. The political party system is also structured on ethnic grounds, and the religious division between Christian Orthodox and Muslim largely overlaps with the ethnic division. In addition, there exist virtually parallel media systems in both languages, and the education system is not truly multicultural. The picture is less clear-cut with regard to the role of ethnic divisions in civil society. On the one hand, with a few exceptions, there are no strong divisions and little animosity among the organisations based

9 Only 12.1 per cent of citizen associations have 500 or more than 500 members (survey data, Cekik, 2015).

on ethnic grounds, and the employees in the biggest organisations are frequently multicultural. On the other hand, there is no evidence that civil society serves as an arena for inter-ethnic communication and cooperation among citizens. The only exceptions are the New Leftist groups, which largely promote the culture of anti-nationalism and multiculturalism.

In light of these structural limitations, the most important contributions that civil society has made on the path of democratisation in Macedonia consist of placing topics of public interest on the government agenda, advocating the interests of marginalised groups within the population, and monitoring of the government's behaviour on matters of human rights and good governance. For many years, the civic organisation Most, has regularly monitored all cycles of elections; meanwhile, the Macedonian Centre for International Cooperation has supported the institutional development of smaller and local organisations; while the Open Society Institute in Macedonia has financially supported the activities of the civil sector. Some of the newly-formed leftist organisations and movements (Lenka, Solidarity and Aman) have taken on the role of mobilising citizens to improve socio-economic conditions from the inactive trade unions. The branches of international NGOs – the Helsinki committee in the Republic of Macedonia, Transparency International and others – provide additional input into the further democratisation of the country.

The recent protest activities of the citizens' organisations – and the informally organised citizens' actions via social media – tend to take place either on the occasion of particular events (such as the murder of young man by a policeman) or in response to a particular government measure, such as the increase in the price of electricity or the change to the Law on abortion. These protests have tended to shape public opinion in becoming critical of the government's policies rather than in persuading the government to reverse its decisions.

The main resources of civil society and the impact of external funding

In the absence of substantial domestic funding, foreign donors are indeed instrumental to the survival of citizens' organisations in Macedonia. Only recently, the government has introduced a programme to finance civil-society organisations, alongside trade unions, religious

organisations, and most importantly, political parties, amounting to €4m over the last three years, which is considerably lower than in other countries in the region (Nuredinovska and Ognenovska, 2014: 30). The Open Society Foundation, along with many international development agencies (e.g. USAID, Swiss Development Agency, and the Swedish International Development Agency) and other international foundations have been the largest contributors to the civil sector in Macedonia since the 1990s.

The EU is currently the single largest donor in Macedonia.[10] From 2010 to 2011, EU funding for civil society amounted to €2.1m, followed by the Swiss Agency for Development and Cooperation, €1.2m, the United States Development Agency, €1.126m, and FOSIM, €797,569 (Balkan Civil Society Development Network, 2012: 40–41). In addition to financial aid, which is part of the Instrument for Pre-Accession (IPA), the civil-society facility and the European instrument for democracy and human rights, civil-society organisations are eligible to apply for other EU programmes in which Macedonia participates, such as Europe for citizens, Horizon 2020, PROGRESS, COSME and others.

The development of trade unions, employers' associations and social partnerships

Since the beginning of the transition, the legal context has been quite favourable to social partnership in Macedonia. The constitution of 1991 proclaimed Macedonia to be a social state with a high level of provision of social and economic rights. Strikes and collective bargaining became constitutional categories, and the constitution created very flexible provisions for the participation of employees in the management of firms (Article 58). These basic values promoted in the constitution were operationalised in a number of laws, the pillar of which is the Labour Code. However, the quality

10 Beginning with the 2003 CARDS programme (€43.5m), financial support for civil society was included within the financing of the Democracy and Rule of Law component. In 2008, the financial support for civil society in Macedonia reached €8m (European Commission, 2009: 6). Aid objectives include: the wider involvement of civil society in the decision-making; NGO management; the mobilisation of resources for institutional cooperation between CSOs and central and local authorities; as well as networking at the regional level (European Commission, 2012: 6).

of the social dialogue is not only a function of the supportive legal environment. As is the case in other CEE countries (Heinisch, 1999; Pérez-Solórzano Borragánand Smismans, 2012), social dialogue in Macedonia is rather weak and not substantially influential (Hristova, 2008; Majhošev, 2012). This is due to the capacities and level of engagement of the main participants in the social dialogue – the trade unions and employers' organisations – as well as due to the lack of readiness on the part of the state to truly support social dialogue.

The primary activity of trade unions in Macedonia since 1991 has been concentrated in national-level umbrella organisations. Branch trade unions exist almost exclusively in the public sector, or in the privatised former public enterprises, while trade unions in private small and medium-sized firms or foreign-owned firms are the exception rather than the rule (Hristova and Majhošev 2012). The Federation of Trade Unions of Macedonia (FTUM), whose membership in the early 1990s amounted to 70 per cent of the total number of employees in the country, had enjoyed a monopolistic position in the trade unionist movement in Macedonia until the second largest national and representative federation of trade unions, the Confederation of Free Trade Unions of Macedonia (CFTUM), was formed in 2005. There are currently 48 trade unions registered in the registry of trade unions of the Ministry of Social Policy and Labour Affairs, including four national umbrella organisations, two of which (FTUM and CFTUM) fulfil the representativeness criteria[11] and participate in social dialogue at the national level.

Trade unionism in Macedonia is characterised as 'formal pluralism' (Hristova, 2008), because the increase in the number of competitive umbrella associations has not resulted in an increase in the influence of trade unions in advancing the situation of their members. The trade unions have generally been regarded as being close to the government during the transition period. Only on a couple of occasions has this not been the case, namely: at the beginning of the 1990s, when privatisation of the largest firms in Macedonia provoked massive trade union protests; in 2004, during the strikes in the primary and secondary education sector; and at the end of 2012, when the doctors went on strike in hospitals. The public perception

11 In 2005, after a delay of 15 years, the issue of representativeness was solved through changes to the Labour Law: the qualifying representative level of membership was fixed at ten per cent for trade unions and five per cent for employers' organisations.

is that trade unions only react to the policies of the state in the socio-economic sphere; they fail to mobilise and support the particular demands of their members. In these circumstances, the state is perceived in the manner described by Tocqueville, namely as 'one large and benevolent state that hover[s] over society and like a father [sees] to all of its needs' (Fukuyama, 2001: 11).

The social partner that represented employers' interests (employers' organisations) during the 1990s was a unit of the Economic Chamber of Macedonia. Since 2005, when the new Law on Labour relations was adopted, eight national-level employers' organisations were formed and registered in the registry of employers' organisations (Ministry of Labour and Social Policy, 2014a). However, only the largest employers' organisation – the Employers organisation of Macedonia (EOM) – fulfils the new criteria of representativeness for participation in the tripartite social dialogue.[12] According to its representatives, the organisation lacks staff and is still in a membership mobilisation phase; it needs to educate its membership base about the functions of the organisation and interest-representation activities (Interview with EOM).

Participation in the social dialogue has been the most important activity of the social partners in the last few years. EU progress reports have repeatedly noted the need for improvement in this area, and the International Labour Organisation (ILO) has also been closely involved. These efforts resulted in the signing of the General Collective Agreement in 2006, as well as a national agreement on the minimal wage as late as 2012. The 2012 EC Progress Report noted the establishment of the first local Economic and Social Councils in three municipalities, as well as a slight improvement in the bipartite and tripartite social dialogue 'particularly in the private sector and especially for collective bargaining' (European Commission, 2012: 45).

As discussed, the effects of the tripartite social dialogue on social, economic and political life in Macedonia are generally regarded as limited. According to previous research, the government has acted in accordance with its legal obligations and has consulted the Economic and Social Council of the Republic of Macedonia whenever legally required to do so. However, while the council proved capable

12 They were, however, disputed by the Confederation of Employers of Macedonia, which also claims to be representative at the national level.

of reaching joint positions, its recommendations were rarely accepted (Majhošev, 2012). It remains to be seen how the new initiatives in this area and how monitoring by the EU will affect its future development.

The current state of civil society and Macedonia's EU accession process

Civil society in Macedonia currently enjoys a more conducive legal environment due to the passing of new supportive legislation, and to changes brought about by the EU accession process. With regard to the legal changes, the 2010 Law on Citizen Associations and Foundations introduced some novelties. For example, foreign citizens as well as legal entities can associate and establish organisations in Macedonia. Also, the new concept of public interest associations is included in the law (MCIC, 2011). Earlier, the 2005 Law on Labour Relations opened the door to the establishment of new types of organisations representing business' interests. There are also changes in the regulation that governs the participation of civil society in decision-making processes that were initiated by the civil society, but were also influenced to a considerable extent by the EU accession process and other international organisations in Macedonia, such as the Organisation for Security and Cooperation in Europe (OSCE) and International Labour Organisation (ILO).

The development of civil society is part of the political criteria for Macedonia's accession[13]. Since 2002, the European Commission's Stabilisation and Association assessment reports have recommended that the government should 'encourage the development of civil society and encourage the role of local NGOs' (European Commission 2002: 13). This recommendation was reaffirmed in the Accession Partnership 2006 (Council of the EU, 2008) and resulted in the creation of the Strategy for Cooperation of the Government with Civil Society (2007–2011) and the Action Plan for its

13 Macedonia signed the Stabilisation and Association Agreement with the EU in 2001. In 2004, Macedonia submitted an application for membership, whereupon, in 2005, the country became an EU candidate country. In 2009, the Commission recommended that accession negotiations should be opened. Four positive recommendations followed which still await approval by the European Council conditional on the resolution of the bilateral dispute with Greece over the constitutional name of the country.

implementation, adopted in 2007 (Government of the Republic of Macedonia 2007).[14]

One of the most important steps toward regulating the relationship between the state and society was taken in 2008 when, to open up the policymaking process to societal interests, changes in the Rules of Procedure of government were introduced. These were further legalised in two documents produced in cooperation with the OSCE: the Methodology for the Analysis of Policies and Coordination, the Methodology for the Evaluation of the Influence of Regulation along with a website publishing draft legislation. In addition, draft legislation should also be accessible on the webpage of the relevant ministry for public consultation and proposals. However, the existing research study (Nuredinovska and Hađi-Miceva – Evans, 2010) and the EC's progress reports have criticised the government for only partially respecting the newly established consultation mechanisms, since most of the draft legislation and regulatory impact assessment forms were not available to the general public for review (European Commission, 2009: 17).

During the last few years, as a result of the EU's monitoring of Macedonia, the national parliament committees have more frequently organised public hearings in which civil society has participated. The issues discussed have included an examination of the European Commission's progress reports, the annual revision of the national programme for the adoption of the *acquis*, discussions on topics relating to EU accession (such as freedom of the media), as well as other legislative proposals. However, as the European Commission concludes, the involvement of civil society in the public hearings and in other consultations has remained 'ad hoc and selective and the follow-up to recommendations of the civil society sector by parliament inconsistent' (European Commission 2010: 7).

On the positive side, civil-society organisations are adapting to the EU accession process and are taking advantage of the possibilities offered by the EU rules to increase their influence in the decision-making processes. Citizens' organisations as well as business groups and agricultural organisations report that, as a result of EU pressure, they are now increasingly consulted with regard to the transposition of EU legislation (Interviews 1–10). However, according to the

14 A new strategy for the subsequent five-year period (2012–2017) and an Action Plan were adopted in 2012.

organisations, the quality of the increased national participation still suffers from a number of shortcomings, including: short notices for consultation; consultation on a case to case basis; and consultation without influence (see more in Hristova and Cekik, 2015).

Conclusion

Civil society in Macedonia does not have firm roots in the associational activities of citizens during communism, and neither did it play a critical role in the process of regime change. The formation and mobilisation of various types of citizens' organisations developed for the most part in the second half of the 1990s and continued into the first decade of the twenty-first century.

Civil society in Macedonia can be characterised as underdeveloped, with elements of suppressed and marginalised civil society due to Macedonia's historical legacy, but also due to the current state of democracy in Macedonia. Political parties continue to dominate the political space and influence other spheres of society that are supposed to encourage associational activity (the rule of law, independent judiciary, freedom of media etc.). The large-scale pauperisation of citizens and the deep social anomy that have resulted from the transition processes, which has been experienced in almost all post-communist countries, have contributed to the creation of an unfavourable social environment for the development of civil society. However, the activities of the organisations that cover a wide variety of issues have played an important role in placing these issues on the government agenda and in giving a voice to the marginalised sectors of society. The contribution of the civil society is also evident in its monitoring of the government's behaviour and in ensuring that the government remains accountable to the public.

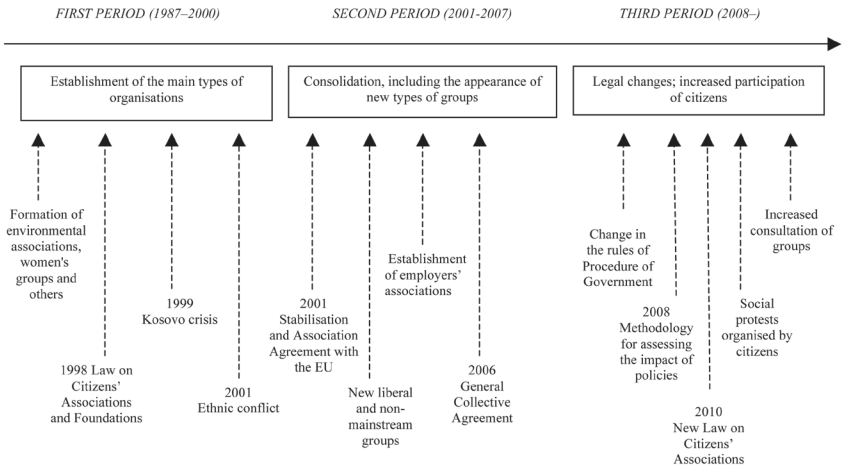
In the case of social partners, the pluralisation of trade unions has not resulted in the sort of vivid and competitive pluralism that would increase the pressure at the government. On the contrary, the trade unions have been widely criticised for being too close to the government (in any coalition formation). The employers' organisations are still in an early consolidation phase and lack staff and a well-informed membership base.

The EU accession process, as well as the activities of other international organisations in Macedonia (e.g. the OSCE, ILO and other UN agencies), have had a profound effect on the development of

civil society and its inclusion in domestic policymaking. The financial resources for civil society provided by the EU, the development agencies of foreign governments (the USA, Switzerland, Sweden and others) and the Open Society Institute have been crucial for the survival and the activities of citizens' organisations in Macedonia since independence.

The goal of European Union accession has contributed to the ongoing process of transforming the relationship between the state and society. As a result of EU pressure, interest groups and citizens' organisations are now consulted on a more regular basis, especially with regard to the transposition of European legislation into the domestic legal system, and are invited to participate in the work of the national parliament. Some organisations have begun to use the possibilities presented by EU accession to influence government decisions. Furthermore, in the last years, there has been an increase in new types of groups and new types of protest actions led by young people. Their basic means of organisation are social media, and their activities have the character of being genuine citizens' actions. It remains to be seen what role they may yet play in Macedonia's democratic consolidation.

Figure 9.1: The critical junctures of civil-society development in Macedonia



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10 THE DEVELOPMENT OF CIVIL SOCIETY IN KOSOVO SINCE 1999[1]

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Introduction

In this chapter, we will explore the main developments in the civil-society sector in Kosovo during the period 1999 to 2014. The major political developments in Kosovo have also been milestones in the development of Kosovo's civil society. While the end of the war and the establishment of an international administration in Kosovo in June 1999 marked a turning point for both Kosovo society and civil society, the current phase of civil society development began in February 2008 with the declaration of independence. Since this time, civil society has been evolving and striving to establish its space to be able to contribute to the development of the youngest country in Europe.

Civil society is a broad concept that is understood differently in different countries, according to each country's specific history. Kosovo's civil society can be defined in different ways, depending on the period and the approach taken by the study. Nevertheless, there are a number of general principles that apply to Kosovo. In 2009, while designing a comprehensive study of civil society, a group of representatives from different sectors of society defined civil society in Kosovo as follows:

1 In addition to the specific references, this chapter is based also on KCSF's collective knowledge, experience and unpublished materials on civil-society sector in Kosovo.

'The space of society, outside of the family, the state and the market, which is created by individual and collective actions, not-for-profit organisations and institutions, which do not run for office, but advance common interests' (KCSF, 2011: 18).

This will also serve as our definition for our analysis of civil society in Kosovo for the period 1999–2014.

In concrete terms, civil society in Kosovo during this period comprised mainly registered non-governmental organisations (NGOs); other forms of civil society were rare. Only a few examples of non-registered initiatives may be found, most of which arose on an ad hoc basis and did not remain active once they had addressed the problem they had been set up to address. In addition, although formally they fall within the scope of civil society, in practice trade unions are rarely treated as such. Cooperation between different trade unions and the other parts of civil society has been limited, with trade unions rarely taking part in civil-society initiatives and forums.

The media remains both within and outside of civil society. Since most of the media are officially registered as private businesses, they can be viewed as part of the private sector. However, the role of the media – in particular those considered independent – in advancing the public interest often places their operation in the same arena as civil-society organisations. Notable exceptions to this are forms of local media registered as NGOs, which are thus formally part of the civil-society sector.

Religious communities[2] are organised according to their traditional systems of norms and values, and are not considered part of civil society. However, a number of religious-based initiatives – in particular charity and humanitarian aid – may be regarded as contributing to active citizenship, and these organisations are registered as non-governmental organisations.

In their modern conception, the first civil-society initiatives and organisations in Kosovo date from the late 1980s and the beginning of the 1990s, following the fall of communism in central and eastern Europe. This period marked the beginning of a new form of political repression in Kosovo. Owing to the unique situation in Kosovo at the time, civil society developed as an important part of a parallel social system amid civil resistance to the Serbian regime. It was very

2 According to the 2011 census, Kosovo's religious communities are as follows: Muslim 95.61 per cent; Orthodox 1.49 c; Catholic 2.21 per cent; other 0.7 per cent (Kosovo Agency of Statistics, 2011).

much a grassroots movement responding to the needs of the Kosovo Albanian population.

The intervention of the North Atlantic Treaty Organisation (NATO) and the establishment of the United Nations Mission in Kosovo (UNMIK) and the Provisional Institutions of Self Government (PISG) in 1999 represented a turning point in the overall development of civil society in Kosovo. The vast requirement for emergency action and reconstruction, as well as inter-ethnic reconciliation, prompted a transformation in civil-society activity in order to adapt to the new reality. Large-scale financial and technical support from international donors resulted in a massive growth in the number of civil-society organisations (CSOs). However, growth was not necessarily matched by an increase in the quality of their work. 'Easy-to-access' funds combined with a dependence on foreign donations created many donor-driven NGOs, as well as 'hibernating' NGOs which became active only upon the availability of further funds. Of the 7,500 registered NGOs in 2014, only an estimated ten per cent remain active or partially active. However, a number of CSOs have moved forwards in reshaping and profiling themselves and have played a role in positioning civil society as an important sector in the state-building and democratisation process.

For nine years (1999–2008), the international administration of UNMIK and the domestic institutions of PISG coexisted in the decision-making system. New competences were continuously transferred to PISG while UNMIK retained the final authority on all decisions in Kosovo. This dual system of government undermined the ability of citizen groups to affect public decisions, purportedly undertaken in their interest. Following Kosovo's declaration of independence, a new system of governance was established and new decision-making procedures were introduced. As a result, CSOs working on democratisation issues, such as the rule of law and those structures that play a 'watchdog' role in particular have increased their presence. In addition, there are numerous CSOs addressing specific issues, such as human rights (including LGBT rights), youth, women, the environment, culture, and social inclusion, etc. For much of the post-war period, the development of civil society has primarily been an issue for discussion among limited civil-society organisations and international donors – only recently has it become more present in the general political discourse. During the last couple of years, the attitude of state officials toward CSO development and civil dialogue

has begun to shift from general indifference and ad hoc cooperation toward a gradual increase in interest and a recognition of the need for cooperation with the entire sector. Internal pressure from Kosovan CSOs and the importance the European Union (EU) places on a developed civil sector has resulted in public institutions becoming more ready to cooperate with civil society through formal mechanisms and instruments.

The legal code for the operation of CSOs currently includes a legal framework for NGOs that conforms to international standards, as well as a small number of other relevant provisions that are spread across various pieces of legislation. The implementation of the current law remains unsatisfactory, while many sub-fields, which are necessary for the operation of civil society, require further legislation. Internally, CSOs are well-equipped with the necessary internal documentation. In practice, however, these documents are not always correctly applied. An additional burden for CSOs is the difficulty in finding and retaining qualified and skilled staff. This is due to the low quality of the education system in Kosovo coupled with the short-term project funding of the majority of CSOs. Civil society has been challenged by widespread civic apathy which results in a gap between organised civil society and citizens, although some causes raised by civil society have enjoyed heightened support. Civil society in Kosovo remains financially dependent on foreign donors, especially those organisations that have a higher turnover. Funds from public institutions are on the rise, although they are not yet regulated by any legal framework or procedures. Other sources of funding, such as sales of services, membership fees or private donations, remain undeveloped. Civil society maintains good communications with public institutions. Nevertheless, this has not translated into sufficient access to public information or consultation in the drafting of laws and policies. Larger CSOs with a greater geographical reach are more engaged in policymaking – their influence however remains limited. While their involvement and consultation is a positive thing, the closure of institutions and the exclusion of the civil society from political or economic interest processes remain problematic.

The context in which the civil society operates is not favourable. Moreover, the outlook for the sector is not encouraging. As one of the poorest countries in Europe with virtually half of the population unemployed, and with limited economic growth and high levels of corruption, Kosovo's economy remains dependent on remittances

from its diaspora and from international donor aid. Similarly, the socio-political context offers limited opportunities for the development of civil society. Despite conclusion of the international oversight of Kosovo's independence, the presence of international missions with particular executive powers continues. The legitimacy of its statehood is contested at regional and international levels. Since 2011, the dialogue between Kosovo and Serbia has intensified. Unfortunately, this has drawn attention from other necessary processes and has triggered numerous debates within Kosovo. While many democratic standards exist in theory, the practical implementation of political rights and freedoms as well as the rule of law remain unsatisfactory. The socio-cultural context appears to vary: although civil society remains one of the most trusted sectors in Kosovo, the exceptionally low level of interpersonal trust between Kosovo citizens denies civil society the requisite environment in which to thrive, namely by thwarting cooperation between citizens. Furthermore, there is little understanding of the role of civil society and its potential to contribute to a democratic and functioning state – this continues to undermine many civil-society initiatives.

A brief history of civil society in Kosovo between 1980s and 1990s

The history of civil society in Kosovo is part of the broader story of eastern Europe during the fall of communism, but it has also been shaped by Kosovo's unique circumstances and the violent break-up of Yugoslavia. When Kosovo's autonomous status was revoked in 1989, civil society became part of the resistance movement. Cooperating closely with the parallel government set up in defiance of Belgrade, it offered alternative health, welfare, and education services. The success of the Movement for the Reconciliation of Bloods Feuds is just one example of the popularity and strength of civil society during this era. Almost the entire population of Kosovo was active during the full decade of social solidarity and volunteering (KCSF, 2013: 8).

A unique element of civil society organisations in Kosovo during this period was their cooperation with the emerging parallel political structures. The Kosovo parallel government was led by the pacifist Democratic League of Kosovo or *Lidhja Demokratike e Kosovës* (LDK), the main political body representing Kosovo Albanians. Due to the common challenges they faced, such as the deteriorating political

and economic conditions and the general plight of Kosovo Albanians, the LDK-led political establishment collaborated closely with civil society, which was predominantly ethnically Albanian. They formed a united front against the Serbian regime, providing guidance to the rising civil resistance. However, this close collaboration meant that the dividing line between the political movement and civil society was often blurred (Bekaj, 2008: 38).

Later in 1997, the Independent Students' Union of the University of Pristina (UPSUP) began organising non-violent protests against Belgrade's control of the university premises[3]. This movement represented a tipping point: Having had to study in private houses throughout the 1990s, without access to the university premises and other facilities, the Albanian students rebelled. These protests gained such a momentum within Kosovo and abroad that they had the potential to galvanise the whole of society. Although they targeted Serbian repression, they also represented a rebellion against the passive resistance of LDK, which was gradually losing public support. (Bekaj, 2008: 38)

Other domestic organisations founded during this time include the Kosovo Helsinki Committee, the Association of Independent Trade Unions, the various women's groups that sprang out of the Women's Forum of the LDK, the Centre for the Protection of Women and Children, and the ethnically diverse Post Pessimists. The latter maintained a working relationship with its counterpart office in Belgrade. Civil society made other attempts to move away from ethnic segregation. During 1997–98 countless meetings and workshops took place between UPSUP student leaders and their colleagues from Belgrade University. Other NGOs that predated the 1999 conflict and were open to interaction across ethnic lines included the Kosovo Action for Civic Initiative (KACI), RIINVEST, and the Kosovo Foundation for Open Society (KFOS). These organisations did not, and could not, garner large popular followings as Mother Teresa and the Council for the Protection of Human Rights and Freedoms could, and they maintained a critical stance toward the LDK throughout the 1990s (Bekaj, 2008: 38).

3 For almost a decade, the Serbian regime banned Albanian students from the university premises, as well as from the majority of high school premises. A parallel education system was organised by the Government of the Republic of Kosovo and funded mostly by the taxes paid by the Albanian diaspora abroad.

The participation of Kosovo's civil society representatives alongside political parties and the Kosovo Liberation Army at the peace Conference for Kosovo in Rambouillet (Schwarz, 1999) in February 1999 represented a high point. The agreement produced at the conference was not only signed by international representatives, Kosovo's political parties and military leaders, but also by one of the civil-society representatives. Since no one had a clear idea as to what civil society really represented, what its aims were and what its real impact was, the participation of civil-society representatives at this conference was interpreted in a number of ways in the media and public discourse. These included being seen as having been 'chosen by the West', 'their representation is suspicious', 'they are independent', (Maliqi, 2001: 5). The label 'independent' referred to their status within the political spectrum of Kosovo at a time when they were in fact considered dependent on Western funds and influences. In this respect, the media and public discourse in Kosovo spoke with irony of the paradox of 'dependent independence'. Representatives of civil society were in fact leaders of independent media in Kosovo with respectable influence, in many respects above the level of influence of the media dependent on internal centres of decision-making (Maliqi, 2001: 7). Following the failure of Rambouillet, which only the Albanian delegation signed, the Russian Ambassador having refused to participate (Weller, 1999: 235), NATO intervened in Kosovo. The NATO intervention and establishment of the United Nations Mission in Kosovo (UNMIK) and the Provisional Institutions of Self Government (PISG) in 1999 represented a turning point in the overall development of civil society in Kosovo.

Civil society after 1999 – from post-war emergency to independence

Administered by the UN Mission and guarded by the Kosovo Force (KFOR), troops deployed by NATO, Kosovo entered a post-war period with a destroyed infrastructure and broken economy, and a lack of any legitimate institutions. The rapid and large-scale return of the hundreds of thousands of refugees who had fled Kosovo during the war demanded a rapid response from the international community to ensure their basic living conditions. Meanwhile, there were no domestic institutions in place and channelling international aid proved a major challenge. Politically, Kosovo became fertile for planting the

seeds of peace-building and reconciliation. The UNMIK administration model was applied as an ad hoc intervention instrument to fit the security situation of the moment and the political interests of a number of western states, rather than being built on any consensus. In the case of Kosovo, the UN was only informed that it would be supplying a peacekeeping mission on the day the Kumanovo Peace Agreement[4] was signed. Furthermore, its mission was not only a peacekeeping, but also a peace-building, which had to assume the role of active administration of the territory of Kosovo (Maliqi, 2001: 46). This context had a great influence on the development of civil society in Kosovo.

The great demand for emergency reconstruction, as well as inter-ethnic reconciliation, meant that civil society transformed its activity and adapted to the new reality. Newly registered CSOs were the most feasible channel for delivering emergency funds. Large-scale financial and technical support from international donors resulted in a massive growth in the number of CSOs, which was not necessarily matched by an increase in the quality of their work. The largest numbers of CSOs were located in Pristina, which was also the centre not only of governmental and public activities, but also served as the headquarters for the large international organisations and donors. 'Easy access' funds combined with a dependence on foreign donations created many donor-driven NGOs, as well as 'hibernating' organisations which became active only upon available funds.

A long list of needs combined with a wealth of funding provided excellent ground for professionals to engage in civil-society organisations in various fields of their expertise, contributing to the development (often from scratch) of public life. However, in parallel to the growth of domestic CSOs, many international organisations also introduced major programmes to Kosovo. The challenge was to keep the well-educated people within these CSOs and to create a critical mass within civil society that would both participate in as well as respond to the various processes in Kosovo. According to a civil-society activist at that time, 'a paradox of the international presence is that while the international community aims to create new organisations, much of Kosovo's talent and many potential NGO leaders are being diverted into mismatched positions with the international

4 The full text of the Kumanovo Agreement can be accessed at the following link: http://www.nato.int/kosovo/docu/a990609a.htm.

organisation. This blocks the otherwise natural capacity building of CSOs (and Kosovo society) in a situation characterised by a lack of employment opportunities and a lack of sustainable local enterprises. In addition, the international community is not always aware that every input of funds can distort civil society, creating dependency and shifting the civil-society power relations in Kosovo' (Demjaha, 2001: 53).

Although liberated from the Serbian regime, Kosovo did not immediately become a sovereign state. For a number of years after 1999, Kosovo did not have its own legal system, but functioned with a *sui generis* system based on national-international co-operation. Indeed, the three main political forces of the Interim Government of Kosovo – the Kosovo Liberation Army (KLA), the Kosovo Democratic League (LDK) and the Joint Democratic Movement (LBD) – which emerged from the Rambouillet Agreement, initially began passing its own laws, unrecognised by the United Nations Mission in Kosovo. Kosovo's right to pass laws was not recognised under UN Security Council Resolution 1244[5], which invested all legislative and executive authority in the Special Representative of the UN Secretary General. Until the end of 2001, Kosovo also lacked a law-making authority in the form of a democratically elected assembly. In the absence of legitimate authority, UNMIK began passing legally-binding regulations. Local representatives, both in the political sphere (within the Interim Administrative Council) and experts in the legal sphere (the Joint Advisory Council on Legislation (JACL)) had only limited possibilities to participate in the law-making process within UNMIK. This *sui generis* drafting of laws began on August 15, 1999 when the Special Representative of the UN Secretary General, Dr Bernard Kouchner, inaugurated 'a new legislative approach' by establishing the 'Joint Advisory Council on Legislation' with UNMIK. Within this advisory law-making body, Kosovan and international legal experts began drafting Kosovo's first post-war laws. A short-lived experimentation with the so-called 'applicable law', initiated according to the first UNMIK Regulation[6], called for the continued implementation 'of laws that had been in implementation on March

5 The full text of UNSC Resolution 1244 can be accessed at the following location: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N991 7289.pdf?OpenElement.

6 The full text of UNMIK Regulation 1999/1 can be accessed at the following location: http://www.unmikonline.org/regulations/1999/reg01-99.htm.

24, 1999'; this failed. This was repealed following the arguments of Kosovan legal experts on the unacceptability of implementing 'occupier legislation'. At the end of 1999, the Special Representative of the UN Secretary General introduced two new regulations. This was not only a professional but also a moral victory for the embryonic civil society being established in Kosovo and was brought about by the opposition of lawyers, judges and citizens against the implementation of former 'occupying laws' and instead for the imposition of solutions from Kosovan society (Reka, 2001: 74).

Apart from the involvement of legal experts and civil society in JACL, civil society in Kosovo began its new transformation. The immediate post-war period in Kosovo was marked by an unprecedented mushrooming of NGOs, both local and international. Civil society was one of the first sectors to be regulated by law. On November 15, 1999, the United Nations Mission in Kosovo (UNMIK) passed Regulation 1999/22 on the Registration and Operation of Non-Governmental Organisations in Kosovo.[7] This regulation was quite modern at the time, introducing easy registration procedures, little or no control mechanisms from the state as well as a wide range of benefits for the Public Benefit Organisations. In 2004/2005, a number of benefits were removed, due to their alleged misuse by a number of Public Benefit Organisations. However, this regulation survived until 2009, when a new NGO Law[8] was passed by Kosovo's independent institutions.

In the period from the end of the war until the declaration of independence there remained a major chasm between the two pillars of the new democratic society, namely between the political parties and civil society. Firstly, there was an inherent absence of regular and sound communication between sides. There was also little communication between the political parties themselves; in fact, political parties in general appeared unable to communicate with citizens and their groups. This also manifested in their lack of engagement with the various forms of civil society. The inability of political parties to grasp the benefits of engagement also led to their lack of communication and interaction with civil society. Unfortunately, civil-society organisations too were unable to coax political parties into adopting a

7 The full text of the UNMIK Regulation 1999/22 can be accessed at the following link: http://www.unmikonline.org/regulations/1999/re99_22.pdf.

8 Law No. 03/l-134 on Freedom of association in non-governmental organisations at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2629.

more considerate approach. In the rare instances when engagement occurred, it was unsuccessful. The dominating isolationist approach among the political parties and their perception of civil society as a competitor in the struggle for power hindered the potential for mutual support between government and civil-society organisations (Dugolli, 2001: 145).

This state of affairs has largely continued since independence, when political parties formally became the dominant actors in political life in Kosovo; meanwhile civil society has been left on the sidelines with little opportunity to communicate and cooperate. Paradoxically, the best lines of cooperation have been when political parties have invited civil-society leaders to join their parties with the promise that their experience in the sector would be key to reforming their parties. Of course, this has rarely resulted in greater cooperation; most ex-civil society leaders who have entered politics have become typical politicians, absorbed by the closed system of party politics with no real influence on the internal decision-making. Although moving from one sector to another is legitimate, the lack of progress resulting from these waves of civil society leaders entering politics has contributed to a perception that many civil-society leaders use civil society merely as a step up into a political career. Thus, the more critical their voice in civil society, the higher the position they are offered by the recruiting political parties.

Since the overwhelming concern for Kosovo society before 2008 was to establish an independent state, civil society had little space to raise any of the issues that matter for the daily lives of citizens, since these always came second on the agenda. The lack of independence became the 'reason' for every flaw in the social, economic and political life of the country – securing an independent state became the all-absorbing political project.

Civil society 2008–2014 – from state-building to good governance

On February 17, 2008, Kosovo declared independence from Serbia, following many years of negotiations which had resulted in a Comprehensive Proposal for the Status of Kosovo[9], known as the Ahtisari

9 The full text of the Ahtisari Plan can be accessed at the following address: http://www.unosek.org/unosek/en/statusproposal.html.

Plan. The declaration of independence in 2008 marked an historical milestone for the development of the country. Nevertheless, the social and economic situation in Kosovo changed little. Politically, the independent state faced enormous challenges with regards to its sovereignty, supervised institutions and international recognition. New institutions needed assistance and advice from the international community; this formally came through the International Civilian Office (ICO) and the EU Rule of Law mission in Kosovo (EULEX). Both of these missions had advisory and executive powers, while the International Civilian Representative for Kosovo (ICR), which also had a dual role as the EU Special Representative to Kosovo (EUSR), was the final authority for interpreting the Ahtisari Plan. Formally, this meant that the Special Representative had the authority to annul decisions or laws adopted by Kosovo's institutions. Since other international actors were also influential in Kosovo's politics and public life, in practice the formal independence did not translate into real independent decisions and policies by the Kosovo authorities. Furthermore, the northern part of Kosovo did not accept the new reality and for six years Kosovo's institutions exerted little authority over the northern part of the new breakaway state. The northern region of Kosovo was governed by parallel institutions controlled and funded by Belgrade, until 2014, following the Brussels agreement between Pristina and Belgrade.[10] Even now, authorities in Pristina still face difficulties in integrating this part of the country into Kosovo's system of governance.

In these challenging circumstances, civil society had to find a way to become an actor in the state-building of Kosovo, while simultaneously safeguarding the principles of democracy, transparency and good-governance. For the new-born country, replacing old UNMIK regulations with Republic of Kosovo laws was a major undertaking. The first years of the post-independence period were marked by a flurry of legislating, with hundreds of laws being drafted and adopted every year, a number of which were copy-pasted from countries of the region or EU Member States. Many civil-society organisations contributed to this process by lending their expertise to providing a Kosovo-specific approach in many areas. More recently, the focus

10 Law No. 04/l-199 on the ratification of the first international agreement of the principles governing the normalisation of relations between the Republic of Kosovo and the Republic of Serbia, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID= 8892.

of many CSOs has begun to shift toward the implementation and oversight of the existing legislation.

Democratisation and civil society in Kosovo

Kosovo has experienced multiple transitions during the last quarter century. Firstly, it transformed from a communist to a pluralist and democratic system of governance. Secondly, it went from a repressive regime to a liberated one. And thirdly, it transformed from international administration to independent administration. All of these transformations were closely interlinked to one another and have strongly influenced the country's democratic transition.

For the majority of Kosovo's population, the transformation from a communist regime to a formally pluralistic system at the beginning of the 1990s in fact marked a more repressive regime from Belgrade. It led to mass expulsions of Albanians from the education system, from employment and basic social and public services. Furthermore, the parallel Albanian institutions established during this period were centred on a single political party, with other political alternatives being either non-existent or marginal. This period was led by domestic elites, the majority of whom came from intellectual and academic circles in Pristina. During this period, civil society was an integral part of the civil resistance. Although the fight for liberation and the war in Kosovo 1998–1999 were also led by domestic actors, academia and civil society were less involved during this phase.

Since 1999, Kosovo has been shaped by the presence of a powerful international mission with an express mandate to guide the development of institutions of democratic self-government; alongside this, there has existed a fragmented and often antagonistic domestic political elite. The resulting interactions have often been fraught, as international, Kosovo Serb and Kosovo Albanian interests and priorities have collided over the direction and pace of the entity's political development. Through a complex process that has featured elements of cooperation, conflict and international imposition, the actions of these political factions have combined to set Kosovo on a path to democratic development that has led to the establishment of new institutions of self-government and democratic elections of a domestic assembly and government (Tansey, 2007: 135).

It was only after the declaration of independence in 2008 that a formal democratic system was set in place so that the state was

governed by institutions with a formal democratic mandate. Nevertheless, international influence – both formally and informally – has remained and to date Kosovo cannot be said to be a fully democratic society. Formally, the executive powers of international missions to secure the rule of law and to supervise independence expired in 2012. Informally, every major or minor decision taken by the domestic decision-makers has been taken 'in consultation' with the international community. These decisions have often failed to reflect the needs of the citizens.

These challenging circumstances have negatively influenced citizens to organise and exert pressure on government. Only 12.1 per cent of citizens declare having worked as a volunteer from 1999 to 2008 and only ten per cent of them declare themselves to be members of any type of civil-society organisation (sports clubs and cultural associations being the most common types of involvement, and NGOs standing at three per cent) (Haskuka, 2008: 78). In 2010, only 15.5 per cent of Kosovans were active members of civil-society organisations, including religious, sports and cultural organisations, while 14 per cent worked voluntarily for such organisations. Within this group, religious organisations dominated, followed by sports organisations, cultural associations and humanitarian and charitable organisations (KCSF, 2011: 25). If we exclude religious, sports and cultural organisations, in 2013, only two per cent of the citizens declared themselves to be members of any civil society organisation (KCSF, 2014: 22).

Primary sources of civil society

CSOs in Kosovo are characterised by different levels of funding and annual turnover. An accurate database of foreign and national CSO donors in Kosovo remains unavailable. The Government of Kosovo, supported by the EU Office in Kosovo, has established a digital platform to manage the donor assistance, but it does not yet function properly.

With regard to the overall external financial assistance in Kosovo, the EU is undoubtedly the largest donor. During the period 2007–2012, the EU provided on average approximately €70m each year. The second largest donor is the United States Agency for International Development (USAID), which has donated approximately €50m a year. Apart from the UN, which provides between €12–26m

yearly, the other significant donors in terms of amounts of money made available are the embassies of Britain, Austria, Sweden and Finland. The funds made available for civil society in Kosovo follow a similar pattern. However, when it comes to civil society in Kosovo, other donors (including private foundations) also rank highly. According to internal research by KCSF, the top three civil society donors in Kosovo for the period 2007–2012 are the Kosovo Foundation for Open Society, USAID and the European Commission (EC), followed by UN Agencies, the Norwegian Government, the Swiss Development Agency and the Swedish International Development Cooperation Agency (SIDA). While other bilateral donors and private foundations have committed smaller sums relatively, when combined these represent a solid portion of the funds for the various CSOs.

Foreign donors continue to play a major role in funding civil society, with almost 80 per cent of resources for civil society coming from international donors throughout the period 2008–2014. A significant increase in the share of state funds allocated to the civil society is becoming evident. While in 2010, governmental funds (local and central) provided 8.84 per cent, local and central authorities provided 20.5 per cent of funds to the civil society in Kosovo in 2013.

The impact of external funding

In parallel to the numerous benefits for the development of the civil sector, the major flow of foreign funds for civil society in Kosovo entails running the risk that foreign donors may influence the agendas of the civil-society sector. Despite the fact that donors do not directly influence the work of civil-society organisations, the topics themselves for which these funds are provided indirectly affect the agenda of civil society in Kosovo. Although many international donors invite domestic CSOs, particularly the larger consolidated CSOs, to provide input into the programming of their funds, very few CSOs take advantage of this opportunity for various reasons, such as a lack of understanding of the programming cycles and a limited capacity to plan strategically within their fields of operation.

The most frequent type of fund allocation is made through project grants, based mainly on an open call for applications for amounts of up to €10,000 or €25,000, with a project usually lasting up to 12 months. The majority of CSOs in Kosovo rely on more than three donors, whereas less than one-third of them have been funded by just

one or two donors during the last three years. A lack of long-term and institutional support directly reduces the attractiveness of the civil-society sector for highly skilled professionals. KCSF has found that there is a direct correlation between an organisation's projects and income and its human resources: the lower the income of the organisation, the shorter the period that the organisation's staff spends with the organisation and vice-versa.

The impact of the international financial and economic crisis and the future prospects of civil-society development

The impact of the global financial crisis on the levels of overall funding has been less significant than anticipated, somewhat variable, and not particularly sudden. While foreign donors are deserting the majority of countries in the region, this has not been the case in Kosovo to any significant extent. For the majority of the major foreign donors (USAID, the Soros Foundation, various EU countries, Norway and Switzerland), Kosovo continues to be a focus of foreign assistance. The European Union too through its pre-accession assistance allocates funds for the civil society, mainly in areas relating to the Copenhagen Criteria. This focus is expected to continue for the immediate future. According to KCSF's research findings, one of the main reasons for this is that, while other countries in the region have advanced in their European agenda, Kosovo continues to lag behind in the process. In this case, if foreign donors were to leave suddenly, their departure would have serious consequences for the development of civil society, jeopardising Kosovo's already fragile democracy.

The role of civil society in Kosovo's EU accession process

With the introduction of the Stabilisation and Association Process (SAP) in 1999, a future within the European Union was formally opened to the Western Balkans. This intensified in the early 2000s, following the Feira and Zagreb summits. However, it was only in 2002 that Kosovo became part of this process, when the European Commission introduced the Stabilisation and Association Process Tracking Mechanism (STM), as a special instrument to include

Kosovo in the SAP. In June 2003, the Thessaloniki EU-Western Balkans summit confirmed the EU's support for a European future for the region, which would include Kosovo. For a decade, Kosovo's unresolved international status hindered its path toward EU accession. The unresolved status left Kosovo without a contractual relationship with the EU (Hajrullahu and Curri, 2007: 4). Even today, now that the period of supervised independence has ended, Kosovo still lacks any legally binding agreement with the EU due the refusal of five EU member states (Spain, Greece, Romania, Slovakia and Cyprus) to recognise its independence. Nevertheless, various *modus operandi* models have been used to ensure that Kosovo follows EU reforms within the SAP. A special mechanism set up in 2002 was later upgraded to SAP Dialogue with Kosovo. This structure provides political and technical dialogue between the EC and Kosovo in delivering EU reforms. Kosovo has benefited from the main instruments of the SAP i.e. European Partnership, Pre-accession financial assistance, Progress Reports, and political dialogue etc.

Immediately following the Thessaloniki Summit, civil society initiated a number of activities, mainly to promote EU values and to increase public awareness and understanding of the EU. Beginning in 2005, and in particular after independence in 2008, a number of well-established organisations increased their engagement in European Integration and became involved in the process. Involvement initially focused on consultations with the EC on the Progress Report, which is the EU's primary instrument for evaluating reform, as well as the Pre-Accession Assistance programmes. As of 2010, SAP dialogue has been operationalised, and regular consultations take place. Prior to the meetings with government, the EC invites a wide spectrum of CSOs to present and discuss the main issues of the Copenhagen criteria (political, economic and *acquis* standards). In 2010, this was achieved only through the annual plenary meeting. Since 2011, SAP dialogue with civil society has been extended to seven sectorial meetings. Interestingly, civil society's dialogue on Kosovo's European Agenda is deeper and more structured with the EC rather than with the Kosovo authorities. The participation of civil-society representatives in the National Council for European Integration and in drafting the National Strategy for European Integration is among the few positive exceptions. Lately, CSOs have increased their capacity and have become actively involved in projects monitoring the implementation of various EU criteria, funded by the EU but

also other bilateral and private donors. As a result, more written input is sent during consultation rounds for the EC Progress Report. Many CSOs still struggle to get to grips with the IPA programming cycle, which limits their ability to contribute. The one exception to this is the contribution of CSOs to the EU programming assistance to civil society itself.

The particularities of the development of trade unions, employers' associations and social partnership

When discussing trade unions, employers' associations and social partnership in Kosovo, we should note that more than 40 per cent of Kosovo's population is unemployed and public institutions remain the major employers. Before the 1990s, the majority of Kosovo's industry comprised socially owned enterprises. These have since been privatised or are in the process of privatisation and only a few continue to operate. Moreover, the major contracts and investments come from the state budget, making the government the main provider of jobs in Kosovo. Trade unions struggle to operate in these circumstances.

The right to establish employee trade unions – in both the private and public sector – is regulated by the Law on Organising Trade Unions. However, due to the privatisation of the majority of public and socially owned enterprises, many unions have remained passive or have dissolved. In addition to this, the Union of the Trade Unions of Kosovo (BSPK) – as the only Confederation of Trade Unions – is facing serious problems of internal governance and legitimacy. Most of the member trade unions are boycotting the current leadership of this confederation and the BSPK does not have the support of the vast majority of trade unions. Moreover, trade unions lack the capacity to participate effectively in decision-making, legislative drafting and policy dialogue with the government[11]. Moreover, social partners do not play an important role in either Kosovo's European integration process or its economic development (Sibian, 2012: 8).

In 2012, it was estimated that the total number of trade union members was around 60,000. The unionisation of the public sector

11 Interview with the representatives of an EU-funded project working with social partners in Kosovo (2nd February 2015, Pristina).

is high, with an estimated 90 per cent of public servants belonging to a trade union (Shaipi, 2011: 8). Now that the law allows trade unions in the private sector, establishing them at enterprise level will be the key challenge for the trade unions in the period ahead. Surveys indicate that 5.09 per cent of the population declare their affiliation to trade unions (KCSF, 2011: 24). The Labour Law, which came into force in December 2010, was considered one of the most crucial pieces of legislations to have been passed in Kosovo. Various consultations took place on the draft of this law, mainly between the associations of employers and trade unions, but also with the involvement of the specialised assembly committee and civil-society organisations. In spite of repeated opposition from the government, which was concerned with cutting the budget, the law was approved unanimously in the last plenary session of the third legislation period, the same day the assembly was dissolved. Trade unions had threatened to boycott the election process if the law was not approved.

The Social Economic Council of Kosovo (SEC) was established in 2009. Its activity since has been disrupted by the opposition between the different representatives in this council, among them the employers' associations and trade unions. In spite of its continuous operation and regular meetings, the SEC lacks the capacity and resources to operate effectively (Sibian, 2012: 8).

On the employers' side, the Kosovo Chamber of Commerce, as the traditional representatives of Kosovo's businesses, is the largest employers' association and the primary representative of this sector. Other chambers and associations exist and are active in advocating employers' interests, such as the Kosovo Alliance of Businesses, the American Chamber of Commerce, etc. In general, the employers' associations have considerably higher capacities both in terms of their internal operation and their advocacy influence on decision-makers.

The current state and capacity of civil society

The legal framework for the operation of CSOs includes a basic law for NGOs, which conforms to international standards, as well as a small number of other relevant provisions that are spread across various pieces of legislation. The implementation of existing laws remains unsatisfactory, while many sub-fields required for the operation of civil society need additional legislation in order to become complete (KCSF, 2014: 5).

The internal governance of CSOs is regulated by internal documents, but these documents are not always correctly applied in practice. The majority of CSOs in Kosovo fulfil their legal reporting obligations, while their financial audits exceed their legal obligations. CSOs seek qualified and experienced staff – but they struggle to recruit such profiles. Citizen membership of civil society organisations remains low (KCSF, 2014: 5).

Kosovo's civil society has a limited influence on the primary issues that are of concern to its citizens, such as economic development and the rule of law. Possible reasons for this, mentioned by the CSOs themselves, relate to the limited means available to civil society to resolve various legal and economic issues. Also, issues of economic development and the rule of law are complex and any improvement in these fields depends on a large number of actors and factors, the majority of which are out of civil society's control. Civil society is perceived to be more influential in areas such as democratisation, gender equality and support for poorer communities and marginalised groups. Viewed from the outside, the engagement of civil society in gender equality appears to be the most visible, followed by the fight against corruption. The higher public profile of these fields is connected to the proactive approach and the extent of the reach that these organisations enjoy compared with organisations in other fields. It is also due to the higher sensitivity of such topics in the current circumstances in Kosovo, in particular the fight against corruption. Nonetheless, even within these two fields, which are generally viewed as being more active, the impact of CSOs' activity varies. Actors outside of civil society perceive civil society to obtain good results in gender equality and civil society is credited with creating positive change. The gender quotas introduced at all levels of governance are held up as one of the success stories for women's advocacy groups in Kosovo. On the other hand, the impact of civil society on drafting policies and laws that fight corruption has been limited. This is mostly because politicians and decision-makers do not listen or fail to consider civil society's contribution. Larger CSOs, mostly based in Pristina but with a wider geographical reach or activity at the national level, are more engaged in policymaking. However, even they view their influence as limited. While the involvement and consultation of these larger CSOs marks a positive trend, closed institutions and the exclusion of civil society from political or economic interest matters remains problematic (KCSF, 2014: 44).

The external environment in which civil society operates is unfavourable and the outlook for the sector is not encouraging. Kosovo's economy remains dependent on remittances from the diaspora and on aid from international donors. Similarly, the socio-political context offers limited space for the development of civil society. Despite the official conclusion of international oversight of independence in September 2012, the legitimacy of the state remains limited both within the region and at the international level, while the presence of foreign missions with executive powers continues. The dialogue between Kosovo and Serbia has drawn attention from other important processes. While many democratic standards exist in theory, the practical implementation of political rights and freedoms as well as the rule of law remains unsatisfactory. While civil society remains one of the most trusted sectors in Kosovo, the exceptionally low level of interpersonal trust between Kosovo's citizens hampers cooperative interaction between them, thus denying civil society in Kosovo a basis to flourish (KCSF, 2014: 50).

Conclusion

During the 1990s, civil society in Kosovo comprised only a dozen or so CSOs which nevertheless played a significant role in opposing the political repression of the Serbian regime. Owing to Kosovo's unique situation at that time, civil society developed as an important part of an entire parallel system of civil resistance to the Serbian regime, built from grassroots needs and addressing the survival of the population.

Following the liberation and establishment of an international administration in Kosovo, civil society became an important tool for channelling the massive flow of international aid for emergency reconstruction and inter-ethnic reconciliation. Large-scale financial and technical support from international donors resulted in a massive growth in the number of CSOs. Being supported almost exclusively by international donors, the sector was unable to build strong roots in Kosovo society and among its citizens. This gap has since continued, although an increased focus on citizens has been recently noted. Nevertheless, a number of CSOs have managed to increase their internal capacities and deliver high-quality projects, becoming important actors within their fields of operation. Initiatives and services provided by CSOs have had a significant impact on education, gender issues, social inclusion, human rights and ethnic

reconciliation. However, due to the specific system of governance and the final authority of the international administration in all decisions, civil society's influence in decision-making has remained limited for most of the last decade.

In 2008, Kosovo declared its independence. Although certain elements of governance remained supervised by the international community and the EU, Kosovo has since governed itself. Civil society followed these developments and has attempted to influence the domestic institutions and assume a watchdog role for Kosovo's reforms. The recent focus of many CSOs has shifted toward the implementation of existing legislation.

The impact of the global financial crisis on funding levels for civil society has been less significant than anticipated. While foreign donors have departed the majority of countries in the region, this has not been the case in Kosovo. Foreign donors continue to maintain the same percentage of funding sources for civil society, with almost 80 per cent of resources for civil society coming from international donors throughout the period 2008–2014.

Immediately following the Thessaloniki Summit of 2003, civil society initiated a number of activities related to Kosovo's EU perspective. Initially, these concerned promoting EU values and increasing public awareness and understanding of the EU. Beginning in 2005, and more intensively following independence, a number of well-established organisations increased their engagement in European integration and began to participate substantively in the processes.

Social partners are still at an early phase of development. In a country in which more than 40 per cent of the population is unemployed and public institutions constitute one of the largest employers, the outlook for the development of trade unions is not encouraging. Many unions are passive, and most face serious problems of internal governance and legitimacy. Moreover, trade unions in the private sector remain at the early phases of establishment and operation. On the other hand, employers' associations have higher capacities in terms of internal operation and advocacy. These facts combine to create difficulties in conducting effective social dialogue.

To conclude, civil society in Kosovo is still trying to find its role in what is a limiting environment. The many positive examples of influence and direct intervention by civil society demonstrate that the sector could better apply its resources to help overcome the enormous challenges faced by society in Kosovo.

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11 A BOTTOM-UP VIEW OF CIVIL SOCIETY DEVELOPMENTS IN THE CONTEXT OF THE DISINTEGRATION OF A MULTI-ETHNIC STATE

Danica Fink-Hafner

A bottom-up view from a natural laboratory

Throughout this book we have reconfirmed the methodological assertions of several authors (Schmitter and Karl, 1994; Bunce, 1995; Dzihic and Segert 2012) that intra-regional comparisons make sense, especially when dealing with an atypical group of cases from the 'third wave of democratisation' – a label which applies to the countries of the former Yugoslav region. In fact, due to the internal variety, this region offers a productive basis for theorisation, which would not be the case with large-N comparative research that would include either numerous units from similar cases or numerous units of diverse cases that take account of only a limited number of variables. The methodological approach of the book – examining the patterns of similarities and differences across a moderate number of cases – enables us to make meaningful comparisons (Ragin, 2011: 113–116, 134–135).

While the transition from socialism appears to be the common denominator, the trajectory of each country and the outcome of their transitions have been rather different (Fink-Hafner and Hafner-Fink, 2009; Bieber and Ristić, 2012). Indeed, the variations in relationships between the processes of nation-building, state-building, war and democratisation have resulted in different dynamics and

different outcomes (Zakošek, 2007/2008). Slovenia's transition to democracy was straightforward; Croatia and Serbia experienced interrupted transitions; while Montenegro, Bosnia and Herzegovina, and Kosovo have only partially transitioned to democracy. It is also possible to talk about civil societies in plural – not only in terms of the different civil societies in each of the successor states to the former Yugoslavia, but also within a single country; this is particularly the case in Bosnia and Herzegovina, Macedonia, and Kosovo.

This book explores the various meanings and aspects of civil society as they have developed in the context of the democratisation processes since the 1980s. It offers an inductive bottom-up view of civil-society developments, each chapter viewed through the lens of one of the politico-territorial units that formerly made up the socialist Yugoslavia (1945–1991). Indeed, the significant variations among these countries which for nearly half a century shared the same political system provides 'a natural laboratory' for studying civil society in the process of transition from a one-party socialist state.

Our initial decision to allow a broad and complex definition of civil society has enabled the researchers for each of the countries of the former Yugoslavia to cover a wide variety of civil society spheres in their investigations. This academic 'mining' has revealed some new insights into the various conceptualisations of civil society as well as empirical phenomena.

In this chapter we will begin with a comparison of the similarities and dissimilarities among the successor states of the former Yugoslavia. We will continue with an overview of the conceptual and ideological definitions of civil society within the territory of Yugoslavia since the 1980s, before summarising the empirical aspects of 'civil society' and elaborating the factors that have determined civil-society developments in the region. In the concluding section we will discuss the current state of the art and the prospects for civil society in light of their policy relevance.

Similarities and dissimilarities among the successor states

The countries in our study share four major similarities: (1) a shared former socialist political system; (2) the phenomenon of pluralistic revolution – both in terms of interest organisations and the pluralisation of the public sphere; (3) the creation of independent states; and

(4) the experience of joining the European integration processes.

The shared socialist political system. The successor states to the former Yugoslavia all shared the same federal political system of socialist self-management. However, each of the current Yugoslav successor states previously occupied a different position within the framework of the Yugoslav federation. While the former Yugoslav republics of Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia were granted the status of constitutional units, each with a potential right to self-determination based on the 1974 Yugoslav constitutions[1], the two provinces of Serbia (Kosovo and Vojvodina) had a special status. Although they enjoyed some direct representation at the Yugoslav federal level, they remained part of the Serbian federal unit. Perceiving themselves to be oppressed by the Serbian majority, the Albanian minority had struggled for autonomy/independence for Kosovo since the beginning of the 1980s (Clark, 2009). For each of the successor countries in question, the barrier to democratisation at the federal level meant that breaking away from Yugoslavia became a pre-condition for a functioning democratisation process. However, the intervention of war following the disintegration of Yugoslavia seriously limited any opportunities for democratisation in the majority of successor sates.

Indeed, the deep ethnic divisions ensured that civil society would evolve along ethnic lines. While certain segmented former socialist societies saw the emergence of collective nationalist organisations, in the ethnically homogeneous Slovenia nationalism primarily affected the liberal civil society toward the end of 1980s.

As a rule, the transition to democracy has been coupled with what Slaviša Orlović in the chapter on Serbia calls a 'pluralistic revolution'. This phenomenon of an outburst of numerous new civil society movements and structured interest associations is not unique to the region studied. Indeed, it is a common phenomenon of the transition from an authoritarian regime to a democracy (Dahl, 1971). It is however important to note when studying the former Yugoslav experiences that two faces of pluralisation have emerged. Firstly, a liberal-democratic type of interest associationalism can be observed in the transitions taking place from the end of the 1980s and the beginning of the 1990s. In Croatia, Serbia and Montenegro, where

1 1974 saw the creation of a new federal constitution as well as new constitutions at the republic level.

the democratisation process was frozen, the unfreezing stage again involved the flourishing of a social opposition composed of newly emerging social movements and associations. Secondly, in those emergent countries with deep socio-political divisions, ethnic-based pluralisation has taken place. This has led to the creation of parallel ethnic civil societies within the new successor states, particularly in Bosnia and Herzegovina, Macedonia and Kosovo. It could even be said that the ethnic pillarisation of civil societies has to a considerable extent merged with the ethnic pillarisation of party politics.

However, the pluralisation of citizens' associationalism does not necessarily mean that there will be numerous actors with a shared ideological common denominator. In fact, quite the opposite. Aneta Cekik and Lidija Hristova stress that, since 2001 in Macedonia, new ideologically diversified and non-mainstream groups have evolved. Among these have been the LGBT movement, organisations for the protection of the rights of people living with HIV, sex workers and drugs users, economic and social left-wing (Marxist) groups, animal rights groups, as well as their conservative counterparts, which tend to mobilise as a reactionary response to these protest activities. Similar observations can be made of Croatia and Slovenia, particularly in relation to the conservative counter movements and initiatives closely aligned with the Catholic Church. Furthermore, conflicts between single-issue interest groups and movements with opposing ideologies have become more common – for instance, the debates on the liberal definitions of the family in a family law, on the artificial insemination of single women, etc.

The creation of a pluralist public sphere has not only been a precondition for liberalisation and democratisation, but also an important part of emerging civil society. In fact, the emergence of oppositional social movements has gone hand in hand with the creation of an autonomous public space. In Slovenia, the mass media has at times acted as part of the oppositional civil society, as well as being a platform for civil-society actors to publish their issues, particularly the weekly political magazine Mladina and the student radio Radio Študent. These two media were coupled with the internal pluralisation of other existing mass media, such as the pro-et-contra debates in the daily Slovenian broadsheet Delo. By contrast, in Serbia it took a whole network of independent media to gradually destroy the propaganda machinery of the ruling party and to offer an alternative voice. At the same time, some civil-society institutions

experienced internal divisions as they split into 'official' and 'independent' streams, such as the emergence of the independent associations of journalists, university professors, judges, pensioners, writers and trade unions.

Staging in terms of contextual-political time. In each of the successor states studied, civil-society developments can be said to have occurred in several stages. While it is hard to find an overlap of stages in terms of an actual timeline, there have been some common aspects in staging in terms of contextual-political time. Three common stages are: (i) the creation of a socio-political opposition to the regime which primarily involved social movement-like civil society actors; (ii) the evolution of a modern civil society universe, including various kinds of modern and post-modern interest associations arising from the consolidation of democracy; and (iii) the changes in civil society as a direct result of the EU integration processes.

Indeed, the countries, which evolved from the former socialist Yugoslavia greatly differ in terms of (i) the timing of their transition to democracy, (ii) the creation of an oppositional civil society, (iii) its strength in relation to the old regime, and (iv) its actual role in the transition to democracy (Table 11.1). The creation of independent states was also not a simultaneous event. Slovenia and Croatia declared independence first (in 1991), Macedonia followed (in 1991) as well as Bosnia and Herzegovina (in 1992), although the political elites were unable to reach a consensus on BiH statehood. Meanwhile, Montenegro was initially reluctant to leave the rump of the Yugoslav federation with Serbia at its core, only declaring independence in 2006. At this point, Serbia as the sole remaining federal state also declared itself an independent state. Nevertheless this made it difficult for Kosovo to create an internationally partially recognised state (in 2008), although Kosovo had been the first former Yugoslav political-territorial unit that had attempted to break away from the existing federal structure by demanding autonomy from the Socialist Republic of Serbia (at that time still a federal unit of the former Yugoslavia) (Clark, 2009).

Table 11.1: Country-specific characteristics of the transition to democracy and civil society

Country	Ethnically deeply divided	Constitutional systems since 1990	Involvement in war and/or substantial indirect costs of war	Interrupted, unfinished transition to democracy	Type of transition 1989–1990	Actual timing of transition to democracy	The creation of an independent state	Freedom status (2014), *Freedom-House*	Democracy Index, (2014) *Economist Intelligence Unit*	Civil society sustainability index score (2013)[a]
Slovenia	No	Pa	Marginal – 'a ten-day-war'	No	Negotiation	1990	1991	Free	Flawed democracy	3.6
Croatia	Conflicts involving Croatia's significant Serbian minority	Pa	Yes	X	Implosion	1990, frozen throughout most of the 1990s and fully un-frozen in 2000	1991	Free	Flawed democracy	3.2
Serbia	Conflicts involving the issue of Kosovo's independence	Sp	Yes	X	Regime continuity under a new label and with new personnel	1990, frozen throughout most of the 1990s and fully unfrozen in 2000	2006	Free	Flawed democracy	4.1
Montenegro	Divisions between the Montenegrian and Serbian population[b]	Sp/Pa[c]	Yes	X	Regime continuity under a new label and with new personnel	1997–2000	2006	Free	Hybrid regime	4
Macedonia	Conflicts involving the significant Albanian minority	Pa	Yes	X	Pre-emptive reform	1990	1991	Partly free	Flawed democracy	3.8
Bosnia and Herzegovina	Inter-ethnic conflicts (Serbs, Croats, Bosnians)	Pa- internationally engineered; With international institutional presence	Yes	X	Implosion	Unfinished	1992	Partly free	Hybrid regime	3.7
Kosovo	Conflicts with Serbia on the issue of Kosovo's independence; Intra-Kosovo conflicts (Albanians, Serbs)	Pa –internationally engineered; With an international institutional presence	Yes	X	Implosion/ parallel government structures	Unfinished	First unsuccessful attempt in 1992; 2008	Partly free	N/A	3.9

Sp – semi-presidential system, **Pa** – parliamentary system

Sources: Kitschelt et al., 1999: 39; Riegler ed., 2000; expert judgements – Olivera Komar, Ismet Sejfija, Slaviša Orlović, Zdravko Petak, 2015; Freedomhouse report, 2014; The Economist Intelligence Unit Limited, 2015; USAID, 2013.

[a] Rated on a scale from 1 to 7, where 1 indicates a highly advanced civil society sector with a high degree of sustainability, and a score of 7 indicates a fragile, unsustainable sector with a low level of development.

[b] I am grateful to Olivera Komar for pointing out that the main division in Montenegro is between the Montenegrin population (about 40%) and the Serbian population (30% of the population). Even though the two groups are usually not regarded as being two different ethnicities, there is almost no 'cross over' when it comes to the main political divisions.

[c] From a comparative perspective, the role of president in the Montenegrin political system has more authority than the presidents of the parliamentary systems of the other former Yugoslav successor states. Depending on the political power relations in the parliament, the functioning of the Montenegrin system has been shifting from a parliamentary system towards a semi-presidential system. See more in Lajh (2003).

In terms of its transition to democracy and further consolidation, Slovenia stands out as having more characteristics in common with central European countries than with the other former Yugoslav successor states (Fink-Hafner and Hafner-Fink, 2009). The Croatian case was peculiar in that the discussion on civil society and the actual civil-society developments were more or less limited to the transition stage. Thus Croatia lacked the liberalisation stage with the whole range of freedom of association that would have made it comparable with the developments in Slovenia. Only Serbia suffered deficiencies on all fronts: a limited liberalisation stage prior to the first multi-party elections in 1990; a predominant orientation toward maintaining the ruling position of the old elite; being the primary and the last defender of what remained of the former Yugoslav state; being forced to allow one of its former autonomous regions (Kosovo) to become an independent state; being a primary looser of the war of the 1990s; being a laggard in the process of democratisation; and at the same time also being a major loser in socio-economic terms. In Macedonia, no serious ideological competitor to communism emerged and the transition to a multi-party system was characterised by the struggle between the liberal and conservative wings of the League of Communists. There are still several countries, where actual transition to democracy cannot be said to have fully taken place. While Montenegro is considered the last European country in which the former communist elite retained their power and where the transition to democracy was more or less cosmetic, Bosnia and Herzegovina, Kosovo and Macedonia are considered deficient democratic regimes.

Conceptual and ideological definitions of civil society

The chapters in this book reveal a complex set of conceptualisations of civil society. Unlike the common positive connotations of civil society, civil society on the territory of former Yugoslavia has negative as well as positive connotations. This is particularly the case when looking at variations of empirical phenomena.

Civil society as a synonym for the liberal-democratic project

Not all the political philosophical debates taking place in the former Yugoslav successor states legitimised the emerging oppositional civil society and the political opposition programmes. Where they did, particularly in Slovenia and Croatia, they provided the arguments for civil society as a liberal-democratic conception of political freedom and social autonomy, to promote democracy and to ensure a better quality of life in what was at that time an economically and politically declining one-party system. As an anti-authoritarian and anti-statist construct, civil society became an ideology of opposition to the old regime.

At the heart of civil-society debates lay the relationship between Hegel's and Marx's definition of civil society. This was complicated by confusion over the meaning of the term 'civil society'. This confusion was evident in the various translations of Hegel's and Marx's discourses into the mother tongues of the discussants. In Slovenia, the dilemma was whether to translate 'civil society' into *civilna družba* or into *občanska družba*. Even in Macedonia where the debate took considerably longer to start, a similar question was raised: whether to translate civil society as *граѓанско општество/о* or *граѓанско содружништво*. In Macedonia, the term 'civil society' became associated with the negative connotations of 'civil duty' (a synonym for obligatory military service). This had the damaging effect of diverting the debate on civil society in Macedonia from the civil-society debates in the rest of former Yugoslavia. In some former Yugoslav successor states, in particular BiH, civil-society debates or at least autonomous critical reflections on civil society remain relatively new.

In the more developed Yugoslav republics at the time, various social movements and interest associations emerged declaring themselves to be civil society. The self-perceptions of these associations at least partially met the political-philosophical conception of civil society at the time. In practice, the newly emerging social movements and associations indeed shared an understanding that civil society ought to be a self-organising society consisting of social networks and an autonomous public sphere outside the authoritarian state. As a rule, the autonomous mass media have tended to be regarded as part of an oppositional civil society in many of the countries studied in this volume.

Civility is assumed to be one of the characteristics of civil society. Indeed, civil society usually has positive connotations based on the pre-supposition that pluralism goes hand in hand with tolerance and civility in terms of 'politeness', 'good manners' and 'self-discipline' in social life (Kostovicova and Bojicic-Dzelilovic, 2013: 8–9). However, just as civil society can contribute to uncivil outcomes, uncivil actors may produce civil outcomes (Kopecký and Mudde, 2003). No individual successor state produced only either civil society or uncivil society; both phenomena can be found in each successor state. In Slovenia, the activities of civil society have on occasions been accompanied by instances of 'bottom-up' totalitarianism (Mastnak, 1987). In Kosovo, a conceptualisation of civil society as a non-violent civil resistance against the Serbian authorities grew from the principles of 'prudence' and 'patience'. Nevertheless, this did not preclude the uncivil treatment of particular members of the Serbian minority. Even in countries with strong nationalist movements (particularly, Serbia, Croatia and Bosnia and Herzegovina), civil society also evolved as a voice against the regime, against war, inter-ethnic hatred, and against discrimination.

Recently, a new wave of civil-society debates appears to have begun in those former Yugoslav successor states in which liberal-democratic-based associationalism and ethnic-based interest associationalism have either somehow survived side-by-side or have resulted in a clash between these 'two kinds' of civil society. Authors from Bosnia and Herzegovina seem to have been ahead of the curve in this wave of debates. Their contributions have been triggered by both the impacts of the externally engineered consociational political model in BiH as well as by the spontaneous emergence of the liberal-democratic-based protest politics of the *Plenums* that have sprung up as informal institutional innovations since 2014. Since this debate is rather particular to segmented societies, it is improbable that this model will spread to most of the other successor states. However, it may nevertheless encourage future debate in those countries with a comparable socio-political context: Macedonia and Kosovo.

Ethnic and liberal civil society

In modern political contexts, citizens are usually held to be the basic actor-unit of a political system. However, where civil society emerged in an ethnic statehood, it acquired a separate meaning. In Slovenia it was predominantly concerned with the transition to a liberal

democracy and market economy. Nevertheless, nationalist elements gained ground in the second half of the 1980s. This was predominately a reaction to the forces of centralisation within the former Yugoslavia and to the enforced maintenance of an outdated federal political system. Furthermore, in the process of establishing an independent Slovenian state, some ethnic minorities and non-citizens became losers in the Slovenian liberal project. *The erased*[2] are the most well-known example of those who lost out (see more in Dedić et al., 2003).

Both ethnic and liberal concepts of civil society can be identified in the segmented societies of successor states. In those cases where ethnicity gained the primacy, active citizenship tended to be reduced to what Sejfija calls '*ethno-collectivism*' (see the relevant chapter in this book). Moreover, the non-governmental sector, as part of civil society, remains polarised. Thus it reflects both the ethnic and civil aspects of associations in BiH, Kosovo and Macedonia. Indeed, the ethnic nature of certain civil society movements has constrained their liberal potential.

In BiH, we can differentiate between civil society, which functions in the space between the state and the market, and civic society, which is active in the space outside of the state. Civil society has been either prone to being hijacked by homogeneous national-religious communities or to being a stern advocate of neoliberal external 'financing of democracy'. Civil-society associations in BiH, such as trade unions, the media, universities, professional and interest groups are in fact divided along ethnic lines. By contrast, civic society is based on the activity of citizens and has focused on seeking rational and just resolution to the conflicts within Yugoslavia – as discussed in the chapter on BiH.

In oppressive regimes, parallel civil societies have still managed to evolve in the form of independent public voices, as the chapter on Serbia confirms. However, parallel societies on the territory of the former Yugoslavia did not develop solely from citizens' activism. In Bosnia and Herzegovina and in Kosovo, the parallel civil society was indeed about ethnic mobilisation. However, in the case of Kosovo, until recently a part of Serbia, not only did citizens' activism produce

2 In a controversial move shortly after Slovenia became an independent state, tens of thousands of people were erased from Slovenia's register of permanent residents. Most of them had been immigrants from other former Yugoslav republics and in some cases had children who had been born in Slovenia.

parallel social institutions it also produced parallel state structures, including a parallel military.

The variations in understandings of civil-society types in terms of the basic agent (the citizen, the collective) and in terms of the variations within the generic term (the civil, uncivil) are presented in Figure 11.1. As discussed in the previous chapters, a collective-based civil society is not necessarily uncivil, while a citizen-based civil society is not necessarily civil.

Figure 11.1: Civil society types – a bottom-up view

	CIVIL	UNCIVIL
CITIZEN-BASED	Civic	Totalitarianism from the bottom
COLLECTIVE-BASED	Ethnic-based non-violent	Ethnic-based violent

Empirical variations in 'civil society'

In practice, concepts such as 'non-governmental sector', 'civil society', 'civil sector', and 'civil sphere' have been used mostly interchangeably. Yet, in countries in which external support for the development of non-governmental organisations has been considerable, civil society tends to be reduced to non-governmental organisations and excludes other kinds of interest associations.

Here political-territorial contexts evidently matter. In general, a weak homegrown civil society correlates with a postponed transition to democracy and with larger shares of the externally funded NGO sector. More specifically, various contexts have impacted on the same kind of civil society – as shown in the chapter on a cross-country analysis of women's movements in Croatia, Serbia and Slovenia (1978–2013). Zorica Siročić stresses that the form of the women's movement and feminist activism was not only deeply influenced by the violent dissolution of Yugoslavia during the 1990s, but was also impacted by subsequent developments, namely: the nationalist and authoritarian regimes in Croatia and Serbia; the attempted transition to a liberal democracy and market economy; the changes in the legal framework enabling freedom of association; and the international promotion of civil society through international foundations. The first organisations established focused on human rights and

humanitarian work. They provided direct assistance to war victims, they organised centres and shelters for women who had been victims of violence, and they also promoted pacifism and anti-militarism.

Civil Society and Democratisation. The stages in the development of civil society are related to the stages in the process of democratisation. In some countries (notably Slovenia) the development sequence was as follows: from subcultural movements to oppositional social movements and alternative mass media, to political opposition movements and leagues, which proved to be embryonic political parties. In other successor states, however, external actors intervened to provide assistance in the establishment of an 'independent' mass media, the provision of information to citizens via satellite television, international reporting by the BBC, CNN, EURONEWS, as well as via the internet (this was particularly the case in Serbia).

Disseminated and Homegrown Civil Society. The mode and scope of the international dissemination of the NGO sector varies from one successor state to another. Indeed, the proportion of civil society that is homegrown compared with the proportion that is internationally disseminated varies considerably. It seems counterintuitive that, in countries with weak homegrown civil society, the external support for such civil society should be lacking while at the same time completely new NGOs are externally funded – as has been the case in Bosnia and Herzegovina, Montenegro and Kosovo. The share of homegrown and disseminated civil society in those countries in which a high proportion is characterised as an 'artificial' or 'virtual' civil society (Papić, 2002; Sterland, 2006) is not recognised by international indicators (such as the indicator presented in Table 11.1). As a result, the validity of such civil-society indicators may be questioned, particularly from the cross-country comparative perspective.

Civil society as a business/an employment provider. For the reasons outlined above, the NGO sector underwent significant change. First of all, small grassroots initiatives declined while larger NGOs became highly professionalised, employing people on permanent or semi-permanent contracts and behaving more like companies than civic interest groups. The chapter on Montenegro in particular identifies direct linkages between business companies and the financing of NGOs.

Trade unions and social partnership

Privileged Position in the Former Yugoslavian Political System versus Particular Traditions. Trade unions in the former Yugoslavia played three main roles. Firstly, their inclusion in the socio-political umbrella organisation (the Socialist Alliance of the Working People) and their participation in institutional politics served to legitimise the establishment. Secondly, trade unions occasionally took sides with the dissatisfied workers against the management of production units as well as against the political authorities by organising waves of strikes. Thirdly, the trade unions also played important roles in securing winter food stores for employees, and in organising recreational activities for workers (these activities have since been eroded in most of the Yugoslav successor states – see the chapters on Serbia, Bosnia and Herzegovina, and Kosovo). Trade unions have tended to be politically weak wherever they have been perceived to be politically controlled (Montenegro). Nevertheless in some cases they may be gaining new functions and influence through external empowerment (as noted in the chapter on BiH).

While the pluralisation of trade unions has led to the fragmentation of employees' organisations, those trade unions officially recognised under the socialist system have enjoyed the privileged position of having inherited property and organisational infrastructures. In many successor states, trade unions have not regained their title as representatives of workers' rights, but have rather evolved into potential 'social buffers' against possible protests, resistance and insurgence (as specifically noted in the chapter on Serbia). Moreover, social dialogue in BiH has stagnated due to the lack of autonomous social partners. Trade unions and employers' associations remain divided along ethnic and entity lines and are under the influence of the political elites.

Although trade unions developed various kinds of conflict and collaboration mechanisms with political parties, they also provided an organisational source or even sponsorship of political parties. The experiences of two countries should be mentioned here. In Slovenia, the first oppositional trade union established the anti-communist social-democratic party; later, the anti-communist social-democratic party would help revive the very same trade union. In Serbia, not only did the Association of Independent Unions of Serbia sign an agreement to run jointly for the parliamentary elections of 2012 and

2014, but the United Trade Union (Sloga) also signed an agreement to run jointly with the Democratic Party in the 2014 elections.

Social dialogue. Social dialogue could have only been developed in the context of peace and democratisation. An illustrative case in point is Croatia where social partnership in fact began to develop in the early 1990s, but only became more institutionalised following the unfreezing of the democratisation process after 2000. Similarly, the first Social Economic Council of the Republic of Serbia was founded in 2001 following the unfreezing of democratisation. Furthermore, the ratification of the ILO Conventions and the European Social Charter as well as the direct and indirect pressures from the International Labour Organisation and from the European Commission's integration processes created external pressure for social partnership.

Table 11.2: The characteristics of civil societies across the former Yugoslav successor states

	Citizens' organisational membership (EVS, 2008)[a]	**Number of CSOs[b], population and density of civil society organisations[c]**	**Externally funded civil society organisations**	**Neo-corporatism**
Slovenia	52.7	No:33,952 (2013) Po:2,060,663 (2013) **DPo = 0.016** Electorate:1,713,067[d] DE = 0.0198 (0.020)	Significant own resources (membership fees) and in addition considerable public (especially EU) funding; the relevance of domestic political party linkages	Comparatively strong
Croatia	38.9	No:51,857 (2014) Po:4.27 million (2014)[e] **DPo = 0.012** Electorate: 3, 779, 281 (2014)[f] DE = 0.014	Dependence on external (especially EU) funding and domestic political party linkages	Comparatively medium
BiH	17.9	No:12,000 (2013) Po:3,791,662 (2013)[g] **DPo = 0.003** Electorate: 3,278,908 (2013)[h] DE = 0.004	Dependence on external funding and domestic political party linkages	Weak
Serbia	22.3	No:23,763 (2006) Po: 7,146,759[i] **DPo = 0.003** Electorate: 6,767,324 (2014)[j] DE = 0.004	Dependence on external funding and domestic political party linkages	Weak
Montenegro	19.4	No:1,102 (2006) Po: 620,029 (2013)[k] **DPo = 0.0018 (0.002)** Electorate: 511,405 (2013)[l] DE = 0.002	Dependence on external funding and informal domestic social networks	Weak
Kosovo	18.5	No:7,500 (2013) Po: 1,820,631 (2014)[m] **Dpo = 0.004** Electorate: 1,799,023[n] DE = 0.004	Dependence on external international and diaspora funding and informal domestic social networks	Weak

	Citizens' organisational membership (EVS, 2008)[a]	Number of CSOs[b], population and density of civil society organisations[c]	Externally funded civil society organisations	Neo-corporatism
Macedonia	31.4	No:13,021 (2013) Po1: 2,064,032 (est in June 2013)[o] Po2: 2,022,547 (last census in 2002)[p] **DPo1 = 0.006** **DPo2 = 0.006** Electorate: 1,779,572 (2014)[r] DE = 0.007	Dependence on external funding and domestic political party linkages	Weak

Legend:

No … number of organisations registered
Po … total number of inhabitants
Electorate … total number of voters
DPo … organisational density calculated in relation to the total population of inhabitants
DE … organisational density calculated in relation to the total number of voters

[a] Membership of at least one organisation, (EVS, 2008), see more in the chapter by Meta Novak and Mitja Hafner-Fink.
[b] The numbers of registered civil society organisations are cited from country chapters in this book.
[c] The density of CSOs is calculated as a ratio between the number of CSOs and the size of the country population (Dpo), and as a ratio between the number of CSOs and the size of the country's electorate (adult population) (DE).
[d] State Election Commission in the Republic of Slovenia, 2014.
[f] UN World Population Prospects, 2014.
[g] Government of the Republic of Croatia, 2014.
[g] Agency for Statistics of Bosnia and Herzegovina, 2013.
[h] Central Election Commission of Bosnia and Herzegovina, 2014.
[i] Statistical Office of The Republic of Serbia, 2014.
[j] OSCE, 2014; Ministry of Justice of the Republic of Serbia, 2014.
[k] Statistical Office of Montenegro, 2013.
[l] State Electoral Commission of Montenegro, 2015.
[m] Kosovo Agency of Statistics, 2014.
[n] Central Election Commission in Kosovo, 2014.
[o] State Statistical Office in Macedonia, 2013.
[p] State Statistical Office in Macedonia, 2014; State Statistical Office in Macedonia, 2005
[r] State Election Commission of the Republic of Macedonia, 2014.

Civil society and the state

It is not possible to comprehend the particular characteristics of civil society without also considering the characteristics of the state in question. The following findings can be summarised from the studies in this book.

Weak states. The former Yugoslav region shares characteristics with other post-socialist states where political parties tended to develop certain patterns of party patronage (Rupnik and Zielonka, 2013) by 'colonising the state'. However, several former Yugoslav successor states stand out as particularly weak states in this respect (see e.g. Alexander, 2008; Dzihic and Segert, 2012). Although the variations

among the countries are considerable, the majority of the countries studied have either lacked the ability to execute some of the basic state functions, such as ensuring the state control over its own territory and providing the basic security (BiH, Kosovo, Macedonia), have lacked basic state autonomy due to strong legal or even illegal power centres (Montenegro, Kosovo), or have been somehow lacking in the minimal infrastructure and security in the broader sense of the provision of water, healthcare, education, and assistance to citizens in natural disasters (Kosovo and Bosnia and Herzegovina).

When a state is weak, civil society may prove to be crucial in providing the expertise required to adapt to domestic reforms (as noted in the chapter on Kosovo) or to set up the necessary social programmes in the field of poverty reduction and distribution of food from commodity reserves (in Serbia). Also, limited statehood has seriously curbed the transformative power of the EU in the Western Balkans, despite their membership perspective (Börzel, 2011).

Alternative paradigms of state-society relations. The new welfare-state paradigm entails the privatisation of social policies. Importing this paradigm means transferring functions, once performed by the state, to interest organisations in this field – usually called 'the third sector'. The non-governmental sector has assumed responsibility for a substantial portion of these services. This is also true of countries with a comparatively more functional state (Slovenia and Croatia). In weak states, the NGO sector assumes the lion's share of social services, including those services that are particular to post-conflict situations (as noted in the chapter on BiH).

Civil society as a surrogate state. Civil society has been gaining new modes, sometimes functioning as a surrogate state. Kosovo is an extreme case in point as the Albanian civil society was a key player in the nation-state-building during the 1980s and 1990s, building an education system and an independent military. In poorly functioning states, even some basic security functions are left to civil society, as has recently been observed in the 2014 floods in Bosnia and Herzegovina. In Slovenia, the recent increase in poverty resulting from the international financial and economic crisis and state austerity measures has led to civil society organisations increasingly taking on the role of carer of socially marginalised groups.

Civil society as a watchdog. CSOs have shifted their focus toward the legislative agenda set by international agents. They have taken on the role of implementers of the legislation and watchdogs who safeguard the principles of 'democracy, transparency and good-governance'. This is particularly the case in those countries making slow progress on their path to EU integration.

Factors affecting civil society development

Civil society traditions

Certain path dependencies in the development of homegrown civil society can be observed in various parts of the former Yugoslavia. In Slovenia, a strong tradition of associationalism based on citizens' activism and widespread voluntary work proliferated in the liberalised and democratised political context. Slovenia's neo-corporatist tradition dating from the nineteenth century supported the re-establishment of associationalism within the framework of the new political system. By contrast, in some other successor states, notably in BiH, the first associations to re-establish themselves in the transition period were collective-based ethnic and religious associations. Some successor states, particularly Macedonia and Kosovo, have witnessed the revival of national-defence movements.

Globalisation

Imported Ideas. In the 1980s, the import and adaptation of the civil-society debate from the West and central Europe to Slovenia was crucial for political liberalisation. Further dissemination of civil society as an oppositional ideology was disseminated from Slovenia (and to a lesser extent also from Croatia and Serbia) to other parts of Yugoslavia. More recently, the spread of extremist Islamic ideas and the mobilisation of some fundamentalist social segments have been reported in Bosnia and Herzegovina, Macedonia and Kosovo.[3] However, this has not been as broad and as influential as the dissemination of liberal-democratic ideas from the West.

3 See more in Huseinović, 2014; Macedonian Information Centre, 2010; Purdef, 2005.

Civil society as an 'export product'. The engineering of civil society in third countries has not only appeared within the framework of Western democracy promotion projects. Some homegrown civil-society phenomena have also reached beyond their original country. Indeed, the Serbian *Odpor* could be characterised as a Serbian 'export product (model) for organising managed protest movements'. It reached Georgia (2003), the Ukraine (2004), Kyrgyzstan (2005), the Arab Spring and (particularly with campaigns Gotov je/He's finished!)[4] also the anti-austerity and anti-government protest movements in Slovenia at the local and national levels.

External social engineering. The establishment of a non-governmental sector by international agents in a particular country has served as a kind of social experimentation. In Monteneogro, BiH, Macedonia and Kosovo, the term 'civil society' has even generally been used to refer to the non-governmental segment of civil society. In these countries, external donors have established non-governmental organisations based on their values, policies and agendas, whose financing is reliant on their upholding these values. Indeed, researchers from these countries have observed that the non-governmental sector functions as a 'project market'. At the same time, external donors have failed to support the homegrown civil society in critical times. This is particularly apparent in Montenegro when analysing the anti-governmental and anti-Milošević civil society that grew out of anti-war sentiments and anti-xenophobia.

Geopolitics. Various countries in the region have gained the attention of powerful international players, namely the USA and the EU. The treatment of these countries has varied over time. For instance, Montenegro's geopolitical status mattered to the international community more than the democratic quality of its internal system. Only when it had been determined that Montenegro's administrative independence from Serbia was geopolitically viable did the international community begin to express criticism of Montenegro's internal affairs. Among the most criticised phenomena has been corruption, with foreign donors supporting civic initiatives in support of transparency.

4 See the iconography available at https://www.google.si/search?q=gotof+je&rlz=1T4WQIB_enSI530SI530&tbm=isch&tbo=u&source=univ&sa=X&ei=zAzdVJvYD-SuygPMq4LYAg&ved=0CDcQsAQ&biw=1280&bih=824, 12. 2. 2015.

Democracy promotion, Europeanisation and external funding of civil society

Externally funded civil-society organisations have been established as transmitters of liberal democratic values from the West, and as instruments to help enable free elections, free media and to strengthen the rule of law in the targeted country. Newly emerging civil society leaders have been trained to organise NGOs efficiently, to develop thinktanks, and to monitor and evaluate public policies. Due to their ideological linkages and financial dependence on foreign donors (foreign embassies, international organisations and various foreign foundations), these organisations and individuals can be characterised as 'dependent independents'. In fact, they represent an artificial civil-society sector that disappears the moment its external funding ceases. Here, the extreme example would be civil society in Kosovo, where nearly 80 per cent of resources derive from international donors – as reported in the chapter by Kosovo. Experiments with both engineering the state and civil society in the name of promoting democracy have proved to be inefficient techniques for building democracy and a sense of civic wellbeing.

The development of civil society became part of the political criteria for accession countries joining the European integration processes. A special segment of NGOs has evolved whose activities specifically support the EU integration processes.

In all Yugoslav successor states the obligation to join the European integration process has inaugurated a distinct stage in the development of interest associations. In this respect, Europeanisation plays several roles:

- Europeanisation provides external incentives and conditionality for those countries moving closer to the EU to provide support for civil-society development. Europeanisation impacts on the population of interest organisations as well as their types, leading to the establishment of new civil-society organisations and the adaptation of pre-existing civil-society organisations, as well as social learning processes through communications with national and supranational actors within the EU political system. Evidence for this can be found in all country chapters – particularly in the case of BiH and Montenegro, where there are not enough actors to advocate for other interests beyond the official EU agenda.
- Europeanisation has also resulted in the 'projectisation' of civil society whereby NGO missions and projects have been adjusted

to meet donor expectations. The advocacy of partnerships with government have tended to diminish the role of civil society as a corrective activity.

- Consultations between civil society and government have been included in the Europeanisation process due to direct and indirect pressure from the European Commission. However, these consultations tend to be exercises in paying lip service to the idea of civil-society consultation and have been mostly temporary arrangements. As seen in the case of Slovenia (the first Yugoslav successor state to join the EU in 2004), once full EU membership had been acquired, there is a decrease in the external pressure to consult civil society, resulting in fewer consultations
- the Europeanisation of civil society has not only meant that civil society activities have become more focused on European topics, but that activities have become more concerned with monitoring the functioning of political institutions (especially during elections), taking care of civic education and promoting human rights.
- Nevertheless, Europeanisation has also provided legitimacy to the EU and helped to raise awareness of the advantages of European integration.

The impact of Europeanisation on civil-society developments in the successor countries to Yugoslavia has not been uniform nor has it been entirely positive. This finding is in line with other research showing that the EU's policy of favouring stability over democracy has not only damaged its international credibility as a 'normative power', but also its transformative power in the Western Balkans (Börzel, 2011).

War

The war not only created unfavourable conditions for the basic democratic institutions and democratic processes, such as elections, but also for civil-society development. On the one hand, the nationalist ideological homogenisation burdened both civil and uncivil society. On the other, it reduced the space for social and political pluralism as well as autonomous public space. Even after military hostilities had ceased, the war continued to impact society in terms of scarce domestic resources for civil society to develop. It also recreated the agendas of civil societies on the territory of the former Yugoslavia. In

Slovenia during the 1980s, civil society struggled for autonomy for its newly emerging social and political spaces and for the legalisation of the pre-requisites for a liberal-democratic political system. In other parts of the former Yugoslavia, the flourishing of civil society was closely linked to the need to resolve the humanitarian crisis, helping refugees and other war victims, fighting ethnic intolerance and poverty, and providing conflict resolution initiatives.

International financial and economic crisis

The impact of the international financial and economic crisis has affected each successor state differently. Kosovo and Slovenia represent contrasting cases. In Kosovo, the crisis has proved to be less significant than anticipated. It has also not caused any major or sudden reduction in the large foreign donations on which Kosovo is so reliant (USAID, the Soros Foundation, various EU countries, Norway and Switzerland). By contrast, Slovenia presents a more mixed picture. Cuts in the national and EU budget have hit those NGOs dependent on resources. However, those economic interest groups that enjoyed a substantial resource-base (including also full-time employees) before the crisis have been able to maintain or even advance their levels of professionalisation in terms of their number of full-time staff (Hafner-Fink et al., 2015 – under review). The crisis has presented a window of opportunity for external agents to reinforce the previously existing domestic trends toward the de-institutionalisation of social partnerships.

Conclusions and policy-relevant findings

The research published in this book reveals theoretically relevant distinctions between the two main political models, the liberal-democratic model and the consociational model, that evolve in two predominant types of societies: segmented and non-segmented societies (Figure 11.2).

Indeed, one of the founding scholars of consociationalism has observed that Bosnia and Herzegovina, Macedonia and Kosovo (together with Fiji and Afghanistan) represent the most recent examples of consociationalism (Lijphart, 2008:5).

Furthermore, civil society does not appear to be automatically linked to democratisation. Civil society as a generic term includes social and political organisations that may be both civil and uncivil, collective and civic, pro-democratic and anti-democratic. Even in

cases where civil-society organisations largely respect democratic norms, they may lose citizens' trust as a result of their inability to respond successfully to citizens' expectations (regardless of whether they are homegrown trade unions or externally established NGOs); or they may lose trust due to their involvement in scandals, including financial misconduct and corruption (for example, the Catholic Church in Slovenia). In spite of the formal establishment of a democratic political system, the characteristics of the society in question may not be aligned with such a model. A good case in point is Montenegro, where a history of dense social networks has created a social tissue that integrates society and politics in a particular (clientelistic) manner, while the organisation of a more formalised civil society has remained weak. In such circumstances, the oligarchisation of the non-governmental sector fits the predominant 'way of doing things', whether through the patronage of administrative, media or intellectual elites, or by trading and coalition-building at the individual and organisational levels (as noted by Olivera Komar). By contrast, in Kosovo, civil society is regarded as one of the most trusted sectors despite the fact that interpersonal trust between Kosovan citizens remains exceptionally low.

Figure 11.2: The contextual mapping of civil society

	Segmented civil societies	**Non-segmented civil societies**
Liberal-democratic model		Slovenia Croatia Montenegro Serbia (without Kosovo)
Consociational model	Bosnia and Herzegovina Macedonia Kosovo	

The authors have revealed several key factors that have co-shaped civil-society developments in the former Yugoslav successor states. The extent to which the unique historical tradition of civil society in each country of the former Yugoslavia has shaped the development its civil society since the 1980s is surprising, given that these societies shared the same political system for half a century. It comes as no surprise, however, that globalisation (particularly participating in the European integration processes) has impacted on recent civil-society developments in each successor state. Major differences may be observed in the scope and mode of the impact of globalisation on

civil-society developments in each successor state. The impact of the international financial and economic crisis on civil-society development also varies between successor states depending on their geopolitical positioning and their dependence on international donors. Aside from each successor state's own historical traditions and social characteristics, the most significant factor to have shaped civil society has been the impact of war. War has not only added to the conflicts within ethnically divided civil societies; the upheaval resulting from the war has created the post-war circumstances in which international donors have been able to set the social agenda and import their own doctrines.

Policy-relevant findings

Several findings call for a reconsideration of existing policies – particularly the policies of external agents engaged in domestic political developments.

Firstly, in some countries, namely Bosnia and Herzegovina, Kosovo, and Montenegro, external supporters have unintentionally contributed to the weakening of homegrown civil society while at the same time, many civil-society organisations are highly dependent on external money and in fact represent a kind of a Potemkin village. The 'Potemkin village' syndrome refers to the phenomenon of a particular segment of civil-society organisations that disappear as soon as their supply of external funding dries up.

Secondly, the donors have been supporting an NGO sector disconnected from the needs of citizens and local communities. Indeed, the top-down establishment of the NGO part of civil society has reinforced the remnants of the old political culture in which the (socialist) party-state established associations top-down (as particularly noted in the chapter on Montenegro). Meanwhile spontaneously self-organising citizens' initiatives have been unsupported. These findings are also in line with Hallstrom's (2004) findings on Eurocratising the enlargement. Hallstrom argues that EU officials tend to reinforce a technocratic and top-down perspective, with NGOs primarily either providing technical expertise or improving the legitimacy of EU policies by disseminating information to the public while slowing the emergence of citizens' activity.

Thirdly, certain domestic circumstances and actors may alter the functioning of external policies. Indeed, the parallel structures of

international CSOs and their local partners have often bypassed domestic public institutional networks and created a parallel world. Domestic civil-society organisations have been able to establish clientelistic relations with political parties in power. While there are variations among the countries investigated, no country is free of this phenomenon. Particularly in the context of joining the European integration processes, there have been indications that the inclusion of EU funds in the pool of allocated public resources has resulted in their misuse (Mungiu-Pippidi, 2013; Fazekas et al., 2013; Dimulescu et al., 2013; Hafner-Fink et al., 2015 – under review). In general, the contributions in this book support the thesis that the relevance of legacies should be taken into account in addition to social learning and external incentives to engage with Europeanisation processes (Cirtautas and Schimmelfennig, 2010).

Fourthly, external donors tend to overlook the substantial differences among societies into which they implant their NGO-type of civil society. The individual societal characteristics determine both the development of homegrown civil-society organisations and how successfully the externally implanted NGOs are likely to be. Serbia and Kosovo represent two extreme cases in terms of deficient preconditions for civil-society associations. Serbia has experienced a demographic crisis in the form of a shortage of educated young people, which will have important political implications. Since the early 1990s, Serbia's death rate exceeds its birth rate; one-fifth of all households in Serbia consist of just one person, and Serbia's population is among the ten most ageing populations in the world; 300,000 people emigrated during the 1990s, one-fifth of whom had a level of higher education.[5] Kosovo meanwhile stands out with an average 91.9 per cent literacy rate and only 87.5 per cent literacy rate among women[6] as well as its recent wave of emigration. In such circumstances, external agents could offer greater assistance by supporting the construction of the basic social prerequisites for social self-organising, rather than simply implanting top-down NGOs from outside the country.

5 World Population Review (WPR), 2014.

6 This data is based on the 2007 Census, cited in Index Mundi – literacy, 2007; and World Bank, 2010–2014; UNESCO, 2014.

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