

**Paper presented at the Meeting of the International Peace Research Association
Sydney, 6-10 July 2010, Development and Peace Commission**

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State Formation and Civil Society in Post-War Bosnia-Herzegovina

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Abstract

This paper contributes to the debate on state-building in war-torn societies, with reference to experience in the Balkans. It looks in particular at the case of Bosnia-Herzegovina. Fifteen years after the war, Bosnia is still an unfinished state, suffering from polarisation between nationalist leaders, inefficient political structures and consequences that stem from international strategies guided by the "liberal peace" approach. The Dayton Agreement that ended the war in 1995 made no reference to civil society. In a later stage, top-down strategies have been complemented by a bottom-up approach. Strong emphasis was then put on supporting civil society actors that have been expected to bring about democratic change. But this strategy has generated very ambivalent impacts: on the one hand, local civil initiatives have created a space for transcending ethnopolitical discourses and have taken important steps for reconciliation. On the other hand, international funding has also contributed to expanding artificial "NGO" sectors that do not necessarily follow emancipatory agendas. Increasing the number of "NGOs" has neither led to the formation of a civil society following the pattern of western-style democracies, nor has it contributed to more integration in Bosnian society. Significant parts of it are still organised along ethnopolitical lines. This paper argues that civil society cannot compensate for mistakes made in state-building. It calls for more realistic approaches and a sound assessment of the scope of civil society, and for an appreciation and more efficient use of its potential. Furthermore, it argues that formation of state and society in transitional settings needs more theoretical conceptualisation addressing hybridity.

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Introduction

Alongside state-building, “strengthening civil society” has become a key element of many international missions in post-conflict situations, based on the expectation that civil society will contribute to democratisation and peacebuilding. Often, civil society is understood as a solution to social, economic and political problems, not only by grassroots practitioners but also by international organisations. There is no doubt that conflict transformation and reconciliation in war-torn societies largely depend on civil initiatives. But there is also a risk that this view overestimates the potential of social actors and neglects the complexity of needs in war-to-peace transition, especially in situations where different processes of transformation overlap. This became obvious in the Balkans. Bosnia-Herzegovina, after a brutal ethnopolitical war in the early 1990s, became a pilot project for international governance. The first section of this paper explains the political and historical context, where post-conflict regeneration challenges coincided with the transformation of the economic and political system. This section also analyses successes and shortcomings of external engagement for state-building guided by the “liberal peace” approach. The second section illustrates the ambivalence of civil society and dilemmas that stem from external support strategies. There are some lessons to be drawn from Bosnia in order to improve international policies. The third section discusses findings from this case in the light of theoretical approaches and stresses further perspectives.² The paper argues that civil society cannot compensate for mistakes made in state-building. It calls for a sound assessment of the scope of civil society and for an appreciation and more efficient use of its potential. It also suggests that theoretical conceptualisation of state and society in transitional settings needs to be further developed and address hybridity.

1. Bosnia as a pilot project for international governance

1.1. At war’s end: state-building in a (semi-)protectorate

The war in Bosnia-Herzegovina (1992-95) was ignited by issues of secession. A majority of the Muslim (Bosniak) and Croat populations supported the Republic of Bosnia and Herzegovina’s breakaway from Yugoslavia, whereas most Serbs living in the country opposed secession and wanted to remain a part of Yugoslavia. After Bosnia-Herzegovina’s establishment as an independent state in 1992, the Bosniaks defended its status as a multiethnic republic in which

² Some of the ideas expressed in this paper have been published in Martina Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potential and Challenges*, Special Reproduction for the Berghof Research Center / Berghof Foundation for Conflict Studies Sri Lanka, Berlin/Colombo, 2007; Martina Fischer, *Civil Society Actors in Peacebuilding: Potential and Limits*, in: Volker Rittberger/Martina Fischer (eds.): *Strategies for Peace. Contributions of International Organisations, States and Non-State Actors*, Opladen/Farmington Hills: Barbara Budrich Publishers, 2008, 221-259.

they constituted the largest ethnic group. However, many Bosnian Serbs were primarily concerned with uniting those parts of Bosnia which were under their armed forces' control with Serbia and Serb-controlled territories in Croatia. The Bosnian Croats initially supported the idea of an undivided republic of Bosnia-Herzegovina, but then, in a series of shifting alliances, actively drove forward the country's division.³

An estimated 100,000 people (2.2 % of the population) died during the three and a half year conflict.⁴ Roughly half the population was temporarily displaced, and many fell victim to ethnopolitically motivated expulsions ("ethnic cleansing"). Rape, particularly of women, became a central element in the strategy of war. The Bosnian Serb militias in particular made it an integral part of an ethnopolitically motivated campaign of annihilation and terror, targeted mainly at the Muslim population. Rump Yugoslavia (at that time consisting of Serbia and Montenegro) and Croatia directly influenced the war in Bosnia and supported the Croats and Serbs living there. International actors, first and foremost the United States, Russia and the European Union (EU), failed to pursue a unified policy on this issue and were played off against each other by the warring factions.

The internationally mediated Dayton Peace Agreement finally ended the war in December 1995. Bosnia-Herzegovina (henceforth Bosnia or BiH) continued to exist as an undivided sovereign state and was placed under international supervision. The international community appointed a High Representative (HR) to oversee implementation of aspects of the Dayton Agreement on behalf of the Peace Implementation Council, the international body, comprising 55 countries and organisations, guiding the peace process in Bosnia. A NATO-led Implementation Force (IFOR), later the Stabilisation Force (SFOR), was deployed to maintain a secure environment for the international presence. Since then, the task of ensuring continued compliance with the peace agreement has been taken over by a smaller European force (EUFOR).

The Dayton Agreement created new administrative structures. BiH now consists of two "entities": the Serb Republika Srpska (RS), covering 49% of the country's territory, and the (Bosniak-Croat) Federation of Bosnia and Herzegovina (FBiH), with 51%, which in turn is divided into ten cantons (thereby taking account of the Croats' requirement for self-government). Institutions were established at central state level: a bicameral parliamentary assembly, a three-person presidency (consisting of a representative of each of the three main ethnic groups), a

³ For further analysis of the causes and dynamics of this war see Woodward 1995; Allcock 2000; Morton et al. 2004.

⁴ 66% of the dead were Bosniaks, 26% were Serbs and 8% were Croats; more than 40% were civilians, according to the database established by the Research and Documentation Center (IDC), Sarajevo (www.idc.org.ba).

council of ministers, a constitutional court, and a central bank. Relatively few powers reside with the central state level, however; they include foreign and trade policy, customs and monetary policy, decisions on immigration issues, and the control of aviation. All other competences were devolved to the entity governments. They were also given responsibility for the police, whose reform is a source of ongoing disagreement between the entities and the international organisations. Since 2005, responsibility for military and defence policy has gradually been transferred to the central state level.

With the Dayton Agreement, the international community successfully ended an extremely vicious and damaging war. The international presence has curbed further outbreaks of organised violence and reined in nationalist aggression. The Dayton Agreement guaranteed freedom of movement for all citizens within the country, granted refugees and displaced persons the right to return to their homes of origin, and cleared the way for democratic elections. International assistance has also supported a rapid process of reconstruction. The international community – foreign governments, international organisations and non-governmental organisations (NGOs) – has invested a total of 14 billion US dollars in Bosnia-Herzegovina for this purpose since the war. Bosnia's convertible mark (CM) is pegged to the euro, which has stabilised the Bosnian currency. (However, the reform of the banking system has resulted in 85% of the system being controlled by foreign banks). The military forces of the ethnic communities that were involved in the war have been merged and reduced in size.⁵ A number of EU member states have been involved in the reform of BiH's armed forces and police.

The international community has also supported the investigation and prosecution of war crimes, the lead institution in this context being the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, which was established by the United Nations in 1993 and is supported by the European Union. The Tribunal has also supported the setting up of war crimes chambers at the national courts in Bosnia (and other countries of the former Yugoslavia). Although its role and legitimacy are contentious issues in the region, it has nonetheless provided an important frame of reference for social and political actors. International organisations and bilateral donors (ministries, foundations, human rights organisations, peace organisations and development agencies from a host of OECD countries) have also supported measures to promote social processes of dealing with the past. This has proved to be extremely difficult, however, as memory politics is still strongly geared towards selective memorialisation of communities' own

⁵ In 1995, there were still an estimated 400,000 soldiers in the Federation and the RS, whereas today, Bosnia's armed forces consist of just 8,500 troops and stocks of weapons have been substantially reduced (cf. Gromes 2009, 3)

victims of the war, with the groups that were involved in the conflict vying with each other to assert their victim status.

Moreover, Bosnia's post-war society continued to be dominated by numerous conflicts, some of which are still ongoing: these include tensions, fuelled by ethnopolitics, between Bosnian Serbs, Croats and Bosniaks, between religious groups (Catholics, Orthodox and Muslims and in some places members of other religious minorities as well), and conflicts between refugees (or displaced persons) and local communities, and between these groups and former refugees returning from abroad (or from internal displacement) to their home areas.⁶ As a result of conflict-induced migration processes, the urban-rural divide which characterised Bosnian society even prior to the conflict has acquired a new dimension and has escalated into a cultural conflict in some places. Furthermore, a dominant feature of Bosnian society is its substantial social inequities: many people lost their entire livelihood base during the war, whereas others were able to maintain or improve their economic status (e.g. by securing employment with international organisations), and some even profited massively from the war. Some war profiteers even hold important positions in political and economic institutions.

1.2. Unfinished state formation and unclear economic perspectives

The Dayton Agreement greatly reduced the threat of war, but it also established a state structure which proved to be unsuitable for the purpose of consolidating peace. It introduced a power-sharing model with two entities, one of which (Republika Srpska) is centralist in structure, whereas the other (the Federation) is organised according to decentralised cantonal principles. This has proved to be highly problematical, especially in combination with the country's status as a semi-protectorate, also due to the fact that for the first few years after the peace accord, the international community's High Representative had no veto powers. It was not until 1997 that the Bonn powers gave him authority to impose (or revoke) legislation and dismiss politicians who incited hate or drew attention to themselves by pursuing an overtly ethnonationalist agenda. In consequence, Bosnia-Herzegovina's first democratic elections resulted in hardliners on all sides managing to stay in power and abusing the vetoes, established under the power-sharing arrangements, in order to obstruct political progress. Ethnopolitical hardliners had been formally legitimised by (too early) elections. "Democratisation" thus directly

⁶ According to UNHCR, 420,000 refugees and 500,000 internally displaced persons returned in the period 1996-2002 (see <http://www.unhcr.ba/return/T5-1102.pdf>; International Crisis Group 2002).

contributed to the entrenchment of ethno-political power structures (Paris 2004, 111; Schneckener 2003, 66).

The political leaders responsible for the war also managed to increase their own influence in the longer term. Reforms in key areas such as education, media and the security sector were generally initiated under pressure from the international community, only to stall time and again as a result of political blockades. Admittedly, the United Nations International Police Task Force (IPTF) and the European Union Police Mission (EUPM) have made some progress on modernising the local security sector, but they have ultimately failed to bring about its radical transformation or establish the rule of law. Above all, they could do little to combat the ongoing civil war economy and organised crime (especially drug and human trafficking). Efforts to establish professional police forces that comply with unified national standards have been eroded by the inter-entity power struggle (Lyon 2007).

As a consequence of the Dayton constitution, weak state institutions have been set up. From the very beginning, the power of central state structures was marginalised in favour of the more powerful entity institutions. The public institutions in the entities and at central state level still do not function adequately. Citizens have to cope with excessive bureaucracy and considerable uncertainties because the legislation in place in the entities is in some cases incompatible with the laws adopted at central state level. Furthermore, in the Bosniak-Croat Federation (FBiH), the competences of the cantonal governments conflict with those of the higher decision-making levels (Bieber 2006).

The state-building process is still unfinished, and some of the points contained in the Dayton Agreement require further clarification.⁷ International diplomats and scholars agree that the administrative structures created under the Dayton Agreement are, by and large, incompatible with closer integration with the EU. However, it is unlikely that structural reforms granting more powers to the central state vis-à-vis the entities would secure majority support among the political factions. International efforts to work with the conflict parties to resolve the contentious issues arising from Dayton, with a view to bringing Bosnia's constitution into line with the EU's Copenhagen criteria, thus creating the conditions for closer integration with the EU (see Solioz 2006), have achieved little success to date. An ongoing and serious problem is that key groups within the political elites and the public at large (in particular many citizens in the RS) do not identify with the (nation) state of Bosnia-Herzegovina. Another problem remains that Bosnia's constitution is not in accordance with international human rights standards, as it

⁷ They include issues concerning the status and administration of the Brcko district, the question of how to deal with state-owned properties, companies and facilities, aspects of budgetary policy, and the rule of law (see International Crisis Group 2009).

prohibits citizens who do not belong or attribute themselves to one of the three (ethnic) constituencies from standing for election to the house of peoples of the parliamentary assembly or for the state presidency.⁸

Since the war ended, the country has passed through a series of transitions (see Fischer 2007c). The organisation of refugee return and the settlement of property issues were two of the most difficult issues. A further challenge was managing the transition from the old socialist economic and political structures to parliamentary democracy and a market economy. The Dayton Agreement obliged the country to introduce a market economy, adapt to the requirements of the international financial institutions, and privatise socialised property. At the same time, the war had destroyed much of the industrial plant and infrastructure and had resulted in the loss of key markets. Goods which had previously been produced in the country itself now had to be imported.

Despite the massive amounts of reconstruction assistance provided by the international community, this has proved to be of only limited effectiveness (cf. Donais 2005). It initially stimulated economic growth, but this subsequently tailed off. In the years immediately after the war, the country experienced a massive inflow of resources which it could not really absorb effectively. More than one billion US dollars were misappropriated or directed into the wrong channels. It can be assumed that it was primarily the ethnonationalist leaders who profited from this, as they controlled the internal distribution systems. The influx of international aid, the continued existence of illegal networks, and the growth of shadow economies created a fragmented economic structure which was hardly likely to attract foreign direct investment. The privatisation of formerly socialised property, which was driven by pressure from the international community, was accompanied by numerous corruption scandals (cf. Ehrke 2003; Donais 2002; Donais/Pickel 2002). This created new inequities and was a contributory factor in the failure to build public trust and confidence in democratic structures.

The internationally imposed privatisation has been strongly criticised as it followed a neoliberal model. As Woodward (2009, 53) reveals, “even the wealthiest and most stable of all the new EU member states, Slovenia, never conceded to such a complete neoliberal model, quietly retaining instead significant characteristics and capacities from the socialist period, such as an industrial policy and the financial accounting system that outsiders sought to destroy in Bosnia”; not surprisingly, “Sarajevo industrialists complained loudly about the economic disaster caused by the internationally required privatization and break-up of their renowned enterprises, to no avail

⁸ As was revealed by the European Court of Human Rights in 2007, this means a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights. http://www.coe.org.rs/eng/news_sr_eng/?conid=1545.

against outsiders' policies and despite evidence from investigative journalists of widespread corruption in the foreign managed privatization process.”

The Bosnian economy is still burdened by the country's costly and inefficient public sector and bureaucratic obstacles. It still has a substantial current account deficit, which is mitigated only by remittances from the Bosnian diaspora. Furthermore, the labour market is strongly fragmented and reflects the country's ethnic division. The official unemployment rate is 40-45% (with a shadow economy of 20-25%). Bosnia still ranks lower than the other Southeast European countries in the Human Development Index, although its ranking has improved in recent years: according to UNDP (2009, 172), Bosnia's GDP per capita has increased to 7,764 US dollars. The EU member states (above all Austria) are important trading partners. Nonetheless, overall, Bosnia still lacks investors, capital and a stable legal environment.

The precarious economic situation has reinforced people's fears and this is manifested as support for radical nationalists. As Belloni/Hemmer (2010, 133) state, “the nationalist parties generally do not have well-developed programs for socioeconomic and democratic progress, because their focus is on holding power of fear. Fear of how the other sides will vote drives voters to choose the party of security for their own ethnicity. This is combined with corrupt, ethnic-based patronage systems to win voter loyalty.”

1.3. Ethnonationalist campaigns and a “no future” feeling

Since early 2006, the political discourse has been dominated by overt nationalist rhetoric. As soon as Montenegro voted to break away from the state union of Serbia and Montenegro and declare its independence, some Bosnian Serb politicians, including the Prime Minister of Republika Srpska, Milorad Dodik, began calling for RS citizens to have the opportunity to vote in a referendum on whether to remain part of Bosnia. The internationally mediated independence of Kosovo was advanced as a further argument in favour of such a move. These political power games cast doubt on Bosnia's viability as a state and fuelled renewed fears about war and expulsion, particularly in returnee communities in the RS. The reactions of influential Bosniak politicians, who called for the abolition of the entity structure, further polarised the situation. Meanwhile, Croat hardliners were attempting to assert their own claims to establish an additional third entity.

The national parliamentary elections in October 2006 were overshadowed by these polarisations. Admittedly, the ethnopolitical parties, which were dominated by the war generation, lost some of their share of the vote, but the leaders of the parties which have set the

political tone since the elections are reverting to a nationalist agenda in order to consolidate their own power gains. Tensions increased in 2007 and 2008, and in 2009, there were isolated outbreaks of ethnopolitically motivated violence. Although the disbanding of the armed forces has removed one of the major risk factors for renewed conflict in Bosnia, political observers are increasingly highlighting a worrying trend. A major threat lies in the country's political stagnation and growing isolation. What's more, nationalist hardliners are challenging the High Representative more and more overtly and rejecting international involvement.

Some experts blame the deadlocked situation on the Dayton Agreement itself. Some doubt that it is appropriate to speak of a "peace process" in Bosnia-Herzegovina at all. One criticism is that the EU and the USA have failed to pursue a clear strategy to deal with the country's problems over recent years. There is also a concern that the international community's withdrawal without a legacy of visible reforms would trigger more insecurity in the Bosnian population. The mood in the country is already dominated by pessimism about the lack of prospects for the future, for the international economic and financial crisis has had devastating impacts on Bosnia, further reducing the country's already weak exports and causing a collapse of domestic demand. Some major industrial plants have been forced to temporarily suspend production. Against this backdrop, a dangerous *no future* feeling is hardening among young people in particular. Moreover, many people are losing hope that Bosnia will be recognised as part of Europe in the foreseeable future. The tight restrictions on freedom to travel are also a source of frustration.

Numerous civil society organisations are attempting to counter these trends and work for a better future. However, they can only influence political developments to a limited extent.

2. The ambivalence of civil society

Civil society was initially excluded from the negotiations on the Dayton Peace Agreement. There was no mention of civil society in the text of the Agreement or its annexes. Towards the end of the 1990s, however, the stagnation in the democratisation process prompted the international organisations working in Bosnia to change their strategy. Since then, the EU, the OSCE and bilateral donors have increasingly focused on promoting civil society. Thus the democratisation approach, initially conceived solely as a top-down process, was subsequently augmented by a *bottom-up* strategy (cf. Chandler 2004, 240; Schneckener 2003, 61). It was hoped that the country's entrenched political structures could be broken open by initiatives

taking place at the grassroots level of society. One problem, however, is that Bosnia does not have a strong civil society tradition.⁹

2.1. Civic engagement for regeneration and community building

As a consequence of this international support, new groups and organisations emerged, which were active in the provision of humanitarian support and psychosocial care for refugees and vulnerable persons, the promotion of human rights and the empowerment of women, dialogue projects, education and media policy, and in monitoring elections and combating corruption in the state and the economy. A few citizens' forums were also set up with the aim of improving social cohesion and multiethnic cooperation; examples are the Association of Independent Intellectuals – Circle 99 in Sarajevo, the Citizens' Alternative Parliament in Tuzla and citizens' forums in other towns and cities (cf. Seijfija 2006b, II).

The cultural and media scene developed massive momentum (Lovrenovic 1998, 205). Civil society initiatives have been undertaken in peace education, the empowerment of women, inter-religious dialogue, trauma work and documentation of war crimes and human rights violations. Some of these efforts have contributed to overcoming cultures of violence, crossing ethnic borders and resisting separatism. Others have focused on monitoring elections and state institutions and campaigns against corruption.

Community-based initiatives have also worked to involve youth in order to overcome passivity (Fischer and Fischer 2003; Rosandic et al. 2007; Emrich 2005). Some of these have addressed problems in the education sector, especially the issues of participation and democratisation in schools (Emrich and Rickerts 2007). Others have successfully motivated young people to take responsibility as citizens in their communities, and diverse CSO activities have contributed to intercultural learning and empowering young people to counteract separatist political propaganda (Fischer 2007d). These initiatives work under extremely difficult conditions and receive very little support from the authorities.

In cooperation with UNHCR, CSOs have also made significant contributions to supporting return of refugees, in attempts to reverse ethnic cleansing. Local civil society was very active in supporting minority return (although the return of people to municipalities where they would

⁹ During the 1980s, Bosnia's civil society was confined to student, cultural and educational associations. During the war, many humanitarian organisations were established, but the war also prompted the emergence of ethnopolitically oriented patriotic organisations, some of which operated under the auspices of religious communities (see Seijfija 2006b, II), and a small number of peace initiatives (see Belloni/Hemmer 2010, 131).

represent a minority remained an exception and was generally aimed at repairing property for sale, see Belloni/Hemmer 2010, 134).

Very recently, CSOs have focused increasing efforts on the question how society can constructively deal with the legacies of the war. Significant activity has been undertaken on fact-finding and documenting war crimes and human rights abuses. Women's organisations were very successful in breaking taboos and achieving compensation for women who were raped during the war. Debates on individual and collective responsibility for war crimes and past violence have also been initiated, mainly by civil society actors. Some organisations have become active in cross-border peace education, striving to establish norms of tolerance and to deal with prejudices and enemy images (i.e. the Centre for Nonviolent Action, the Nansen Dialogue Centres, the Youth Initiative for Human Rights and diverse CSOs engaging in inter-religious dialogue). Others challenge discourses of denial and official memory politics, aiming to raise awareness of the causes of war and counteracting cultures of silence (Centre for Nonviolent Action 2007; Fischer 2007b). In 2005, several NGOs from Bosnia, Serbia and Croatia elaborated a joint strategy for dealing with the past.¹⁰ Since 2007, some of them have become the driving force behind a campaign to set up a *Regional Commission for Truth-Seeking and Truth-Telling about War Crimes* (RECOM), which is now supported by over 130 non-governmental organisations and 700 individuals from all successor states of the former Yugoslavia. Most of these initiatives have received funding from the EU, the OSCE, the UN, state-related development agencies, transnational NGOs or private charity foundations.

Thus it can be concluded that international support has helped to create a space for interethnic cooperation and alternative thinking on social development that is not led by nationalist discourses or religious fundamentalism. It has also helped to conduct advocacy work for people affected by the war. Moreover, it has contributed to the establishment of cross-entity and cross-border initiatives for truth-finding and relationship building. However, although civil society peacebuilding gained significance for international organisations (Belloni 2001; Fagan 2005), CSO initiatives explicitly dedicated to these tasks are still rare in Bosnia-Herzegovina. And finally, it has to be mentioned that external strategies for strengthening civil society, in total, have generated very ambivalent impacts.

¹⁰ In 2005, the Humanitarian Law Center (Belgrade, Serbia), the Dokumenta - Centre for Dealing With the Past (Zagreb, together with the Center for Peace, Nonviolence, and Human Rights in Osijek, Croatia), and the Research and Documentation Center (Sarajevo, Bosnia), presented a joint project for regional cooperation on the process of dealing with the past. The basic objective is to create shared documentation on crimes and serious human rights violations committed in former Yugoslavia, which is seen as an important condition for establishing stable peace in the region.

2.2. Rapid growth and fragmentation of the NGO sector

As a result of the shift in the international strategy, literally hundreds of civil society initiatives and NGOs have emerged in Bosnia, with around 8,000 civil society organisations now registered in the country.¹¹ They employ an estimated 17,000 people in 2,365 offices and record annual revenue of 552.7 million convertible marks (282 million euros) – approximately 4.4 % of GDP.

But uncoordinated and arbitrary funding of NGOs has led to a phenomenon now referred to in the region as “projectomania” (Sejfija 2007), whereby local NGOs have established a new, but artificial labour market that is fully dependent on external, international funding and an ongoing international presence (cf. Grupa Autora 1998, 2003; Stubbs 2007, 220). Many of them have been caught in complex systems of application writing, reporting and evaluation, which has prevented them from acting. Some of them have also designed their aims and activities according to donor interests rather than social needs. Others have no commitment whatsoever to social change and, instead, merely seek to reproduce themselves. A remark from a peace activist has proved to be a realistic description of experiences from many places in the Western Balkans: “Civil initiatives respond to social needs, whereas NGOs respond to money”.¹² This in particular true for post-war Bosnia.

The exponential increase in NGOs has not resulted in greater integration of Bosnian society. Rather, civil society has developed in two opposing directions. On the one hand, organisations with a multiethnic profile have developed, whose aim is to seek political and social alternatives. On the other, numerous (monoethnic) organisations with ethnopolitical or religious affiliations still exist, which certainly do not work to overcome divisions within society. They include some war veterans’ associations, refugee organisations and victims’ groups, labour unions, student organisations and various religious communities (cf. Sejfija 2006, V). Some organisations also maintain direct links with nationalist parties, whose campaigns in the 2006 elections were in some cases actively supported by party-affiliated NGOs.¹³ International organisations have largely ignored or underestimated the role of such traditional civil society actors.

International actors’ mistake was to assume that by promoting the NGO sector in general, a strong and powerful *civil society* would emerge which could counterbalance ethnopolitics driven by state institutions and nationalist political parties. But funding efforts have focused mainly on

¹¹ These include social organisations, private sector associations, labour unions, religious communities, professional organisations and various interest groups, and cultural and sporting associations (cf. Sejfija 2006, II).

¹² Statement by Goran Bocizevic at a Conference on “Reconciliation” in Guernica (Spain), March 1998.

¹³ In the RS, the Serb Movement of Independent Associations (SPONA), composed of eleven nationalist NGOs and war veterans, has been very active in opposing reforms and supported the idea to call a referendum on the RS’s secession from Bosnia; in the Federation, some charitable organisations are eager to promote Wahabism (see Belloni/Hemmer 2010, 145).

urban areas and smaller towns and have neglected rural areas. Moreover, they have not given sufficient attention to community-based initiatives and their specific needs, such as women's groups and smaller youth initiatives that do not maintain representative offices.

International organisations have also largely ignored traditional bodies and community-based organisations such as the *mjesna zajednica* (MZ), municipal units and neighbourhood associations that stem from former Yugoslav times. They have been serving as contact points between citizens and the government, “with the power to raise revenue, commission local infrastructure projects, and issue permits and other government documents. MZ presidents would also be involved in resolving local disputes” (Belloni/Hemmer 2010, 135). There are indicators that MZs were deeply rooted in Bosnian society and widely recognised as participation mechanisms. During and after the war, they supported activities for those in need, but later, many of them disappeared, as they were largely ignored or poorly funded by municipal governments. Only a few MZs continued to function as voluntary community organisations. Some reorganised as NGOs and applied for funding from international donors. But it is assumed that the majority of surviving MZs remain dependent on municipal governments, and thus are likely to be controlled by political parties. Interestingly, however, “Bosnian citizens still contribute to the work of MZ boards and are more likely to volunteer and provide funds to MZs than other organizations”, as Belloni and Hemmer (2010,135) state with reference to a World Bank study (2002, 69-80). As Woodward observes (with reference to the same study), after the war, “Bosnian villagers chose to rebuild first of all the community centre from the socialist period, against donor protest, as a means of restoring a sense of social stability after the war. Citizens also informally revived their neighbourhood associations, abolished by the international peace agreement, because, as anthropologists discovered in research on social capital after the war (...), these forms of cooperation were the most effective and legitimate means of reconciliation, not the artificial and ethnicizing policies of donors who funded “multiethnic” projects (cooperation between people of different ethnicities) and refused aid to those which were not” (Woodward 2009, 53).

Obviously, international intervention policy was not based on an appropriate assessment of the former Yugoslav system and society, which differed significantly from other (centralist) socialist systems, as it used to provide some space for self-management and was marked by “a faith in a ‘patchwork’ of formal and informal care, including family care, charitable assistance, moonlighting by professionals, and networking through ‘connections’” (Stubbs 2001, 98). It is not surprising, then, that international efforts promoting civil society did not properly assess the complexity of civil society emerging from the war. It can be broken down into five different

types of organisation with different origins, visions and practices: “*Old-system NGOs* whose origins lie in the socialist self-management system which encouraged associations of interest to form (such as women’s, youth, pensioners’ associations and so on); *service delivery NGOs* founded during or after the war to deliver aid to vulnerable groups; *civil-political NGOs* active in civil initiatives since the 1980s, and challenging ethnic ideologies; *ethnicised NGOs* with close links to the respective political level; and *local associations or community-based organisations* dating even from pre-socialist times and reflecting a wide range of concerns (such sports and leisure) at the local level, which “are a crucial source of ‘social capital’ and of the reconstruction of the social fabric” (Stubbs 2000, 28).

It can be concluded that despite significant contributions from civil society actors, the somewhat ambitious expectations on the part of international organisations – that civil society would bring about change and substantially contribute to political democratisation and conflict transformation in Bosnia – have not been fulfilled. It has become clear that the Bosnian population is still beset with fears and interethnic mistrust, which is manifested as support for radical nationalists. In almost all the local and national parliamentary elections held since 1995, the majority of people living in Bosnia and Herzegovina voted for candidates with an ethnopolitical agenda.¹⁴

Before the last parliamentary elections in 2006, democratic citizens’ forums were formed, transcending ethnic divides for the first time, which voiced criticism of the ethnonationalist positions espoused by many of the established parties. The citizens’ platform Gradansko Organizovanje za Demokratiju (GROZD) garnered nationwide support (also from a number of parties) and collected 400,000 signatures in support of its demands, which mainly targeted political corruption and the parlous state of the economy.¹⁵ In addition, there was an active multiethnic youth movement, which called itself Dosta! (“Enough!”). One of the aims of these citizens’ movements was to motivate people in Bosnia to participate in the elections, although in fact, turn-out in 2006 – 54% – was not significantly higher than in previous elections.¹⁶ In current pre-election campaigns in 2010 citizens’ movements do not show strong presence. In order to develop into a sustainable force, they would need to develop convincing alternative political concepts besides voicing often justified criticism, if they are to assert their positions in the face of competition from political opponents.

¹⁴ This was apparent after the national elections in 2002. After local elections in October 2004, 80% of Bosnian municipalities (99 out of 122) were governed by representatives from one of the (Bosniak, Bosnian Croat or Bosnian Serb) nationalist parties. See Radio Free Europe/Radio Liberty Balkan Report 37/8, <http://www.rferl.org/reports/balkan-report>.

¹⁵ See <http://www.grozd.ba> and <http://see.oneworld.net/article/view/138989/1/3189>.

¹⁶ Nonetheless, for the first time, a member of the presidency (the Croat Zeljko Komsic from the Social Democratic Party, SDP) was supported by voters from other ethnic communities. The other members of the presidency elected were Nebojsa Radmanovic as the representative of the Bosnian Serbs (Savez Nezavisnih Socijaldemokrata, SNSD) and Haris Silajdzic, the former prime minister and foreign minister (Party for Bosnia and Herzegovina, SBiH), as the Bosniak representative.

So far, endeavours at the grassroots level do not appear to have exerted any direct pressure, nor have they had real impact at the top political level. A major problem is that many civil initiatives, especially those driven by the groups and organisations funded by international donors, are still very distant from ordinary people and regarded with distrust (Chandler 2004; Lyon 2007; Vukosavljevic 2007). Such groups are also simultaneously distant from and not generally accepted by state institutions (although it should be mentioned that according to opinion surveys, “the overall picture is that civil society, in the distrustful culture of Bosnia, is at least less distrusted than political society”; see Belloni/Hemmer 2010, 139).

2.3. Lessons from Bosnia

After the Dayton Peace Agreement that ended the war in 1995, Bosnia has become a kind of “pilot project for international governance” in the context of a “global domestic policy” (Ehrke 2003, 153), which views the establishment of democracy and market economy as a prerequisite for conflict resolution and the prevention of violence. International organisations have followed a “liberalisation first” approach (Schneckener 2005), focusing on the privatisation of formerly socialised property so as to adapt the country to the requirements of international finance institutions. International state-building was largely guided by the “liberal peace” approach (Richmond 2005) and had very ambivalent impacts on Bosnian society. Evidence suggests that this approach has not been successful, either in terms of state-building or peacebuilding. First of all, the decision to hold elections – before viable institutions could be built – was counterproductive. Secondly, establishing a power-sharing model under conditions of a semi-protectorate has proved to be highly problematic. Thirdly, given that civil society was ignored in the phase of peace making and new political structures having been designed exclusively from abroad, legitimacy of the latter proved to be weak. Fourthly, the shift of strategy towards strengthening civil society (without a comprehensive understanding of its ambiguity) finally led to an over-estimation of its scope and raised unrealistic expectations.

Civil society has an important potential, but should not be mistaken as the “good fairy” to save a polity. Civil society definitely cannot repair or compensate for the failures of international state-building strategies. There is a huge danger that, at the end of the day, such illusions will result in disappointment and lead to discourses on “weakness” or “lack of efficiency” on the part of civil society actors. But such frustrations merely stem from false expectations which are not based on a fair assessment of the capabilities and scope of civil initiatives.

Democracy, with all its values and norms, must be learned at the grassroots level of society; the same applies to peaceful conflict resolution. A developed civil society can do much to promote citizens' identification with the polity. It can create social consensus as a basis for political reforms. It can make important contributions to reconciliation between hostile communities, provided that favourable political conditions are in place, i.e. if influential office-holders and decision-makers in governments, parliaments and the administration show a willingness to support this process. However, grassroots initiatives are powerless in the face of massive and permanent political polarisations. It is important to recognise that ultimately, civil society initiatives in fragmented societies can only influence political change to a limited extent.

Civil society cannot develop visions for a unified and coherent polity and generate social acceptance for it if it is continually boycotted by key political actors in governments and parliaments. That being the case, it is hardly surprising that the fledgling citizens' movements in Bosnia have generally confined themselves to voicing criticism of the prevailing politics and have barely developed any positive visions of their own. At present, the majority of local civil society organisations working in Bosnia find it extremely difficult to envision the conditions which need to be in place as a basis for reconciliation processes, how political and social change can be driven forward, and what form a polity which is acceptable to all Bosnians might take. This lack of vision lies at the very heart of the problem, which cannot be resolved by external support, no matter how well-conceived.

This is not to say that no further support should be provided for civil society approaches in Bosnia, or that no meaningful contributions to peace politics can be made at this level. On the contrary, in ethnopolitically divided societies, such approaches are urgently required in order to create spaces in which people can meet and engage outside of ethnopolitics. If CSOs support inter-community relations in this way and if, in addition, they perform successful advocacy for disadvantaged groups and initiate "dealing with the past" processes in local communities, they will make an extremely valuable contribution to peacebuilding. Often, this is all that can be achieved in times of political tension, and it would be inappropriate to expect civil society actors to offer potential for change beyond this role. Excessively high expectations put people who are active at the grassroots level under pressure to succeed, and may ultimately cause them to break under the strain.

However, experience from Bosnia shows that state-building and building civil society have to be understood as intermeshed and parallel processes and cannot be undertaken separately or sequentially, or indeed in confrontation with or opposition to one another. In Bosnia, in fact,

international actors have on the one hand helped to set up myriads of NGOs but on the other hand did not link their strategy of civil society development with initiatives for institutional reforms. Constitutional reform projects to strengthen the Bosnian state institutions vis-à-vis the institutions of the Republika Srpska and Federation, for instance, have been designed as a “closed shop”, largely driven by US advisors and a few local political decision-makers.¹⁷ The public was insufficiently prepared and citizens’ participation not envisaged. This leads us to the question of how policy can be improved.

2.4. How to improve policies?

In the complex scenario described above, no one has a simple recipe or blueprint for change in Bosnia. The question is whether the European Union will involve leadership in a new, more inclusive process, defining its role as a facilitator and advisor rather than a governor. Initiatives for constitutional reforms need to involve as many different types of civil society actors as possible – labour unions and professional organisations, religious communities, media, peacebuilding and human rights organisations, women’s groups, war veterans, victims’ organisations and even private sector associations – to make sure that changes will be broadly debated and finally backed by the wider society. Alongside this, an integrated approach is needed, aiming at institutional reforms and (more substantial) civil society support simultaneously.

In Bosnia, there are still many different possible ways of strengthening the potential of civil society, especially in the youth and education sectors. A key challenge, however, is to link grassroots activities with initiatives at the state level. Reforming the school system in particular continues to be an urgent task. The Office of the High Representative and the OSCE have, over the past decade, taken various steps towards educational reform (cf. Perry 2003), but even more intensive efforts are needed to implement them in the long term. International cooperation should focus on harmonising curricula and introducing ideologically neutral schooling in order to counteract ethnic separatism in individual villages and municipalities. Attention should focus especially on sensitising teachers to the need for a constructive approach towards different historical truths and, through further training, encouraging them to adopt participatory teaching methods. CSOs can rarely exert direct influence over school and education policy, but they can encourage education professionals to work towards a change in the general environment.

¹⁷ Statement by Srdjan Dizdarevic, President of the Helsinki Committee for Human Rights in Sarajevo, at the “European Perspectives of the Western Balkans” conference hosted by the Heinrich Böll Foundation, 6 July 2006, in Berlin, Germany.

Furthermore, local peace and human rights activists need external support in order to continue their monitoring of public policy and institutions (governments, parliaments and administrations) and, above all, of judicial institutions and the apparatus of violence. International support will also continue to be required for the foreseeable future for initiatives that document war crimes and human rights violations and support the process of dealing with their legacy, as well as dialogue and reconciliation. Bosnian activists are increasingly showing interest in engaging in an exchange of experience about reconciliation processes and cultures of remembrance in other countries.

An additional challenge is to provide longer-term support for the citizens' movements which are working across ethnopolitical divides to monitor established politics and promote democratic participation. These movements are stronger now than in the past, but their activities are still somewhat sporadic. It is essential to overcome the division of civil society in favour of broader engagement among persons working at the grassroots level and in local communities "which bring together smaller informal groups, some older representational/identity organisations, and informal community leaders" (Stubbs 2007, 226).

At the same time, it is important to encourage civil society actors in Bosnia to overcome their generalised reservations about political actors, in order to encourage these actors to participate in joint reconciliation initiatives (cf. Franovic 2008, 45). Civil society can do very little to bring about change if it adopts an entrenched position of permanent and fundamental opposition to administrations, governments and parliaments. Civil society initiatives should not only establish effective networks with one another, but also seek allies in the political institutions who are willing to support their objectives. This requires dialogue skills and the willingness to develop personal contacts. At the same time, they must maintain sufficient distance to these actors so as to retain their capacity to criticise negative developments and monitor the actions of government.

In order to promote social change and a more integrated society, however, economic perspectives must also be opened up for Bosnia, extreme inequities must be removed, and social protection systems established. In some parts of the country, ethnopolitical relationship structures have guaranteed economic survival and provided protection and a frame of reference for many years. Employment opportunities and a social policy which balances out inequalities are essential to break this cycle. A further challenge is to improve practical vocational training and combine peacebuilding measures with income generation schemes. This is the only way to prevent young people from drifting into informal or shadow economies and offer future

generations a positive vision for the future. The idea that by revitalising the Bosnian economy, social coherence will automatically follow is undoubtedly misplaced. Nonetheless, economic consolidation – as experience elsewhere in Europe after the Second World War has shown – is an important prerequisite for reconciliation and a stable peace.

3. Theoretical implications and further perspectives

3.1. Civil society and political change in transitional or hybrid structures

Theoretical conceptualisations largely suggest that civil society and democratic states are complementary and interdependent (for an overview of the debate see White 2004, 9). In western debates, civil society has been discussed as an important counterbalance to the power of the nation state (for an overview see Merkel and Lauth 1998; White 2004; Whitehead 2004). It is also widely assumed that civil society depends on the security and predictability provided by a democratic state that ensures the rule of law and creates policies according to the needs of the population. The term civil society is largely used with a normative connotation. Notably the Frankfurt School of Critical Theory has emphasised the emancipatory character of civil society. According to Habermas (1992, 374), reaching democratic opinions and decisions in political parties, associations and parliaments demands an exchange with “informal public opinions”. These can only be formed in the context of a politicised public sphere that develops independently of the power structures of the state.¹⁸ Civil society has also been defined as a sphere of action in the space between the private sphere and the state and a melting pot of different actors who share one normative common denominator based on: 1) respect and tolerance towards “the other”; 2) fairness; and 3) the exclusion of violence. This “civil consensus” is reflected on the individual level, shaping a citizen identity. A pluralistic civil society representing a variety of interests is considered to guarantee a culture of tolerance and compromise, mitigate political conflict and contribute to political consensus (Merkel and Lauth 1998, 6-7).¹⁹

However, civil society remains an ideal type concept. In reality, the boundaries between state and civil society are often blurred: states may play an important role in shaping civil society and vice versa, and the two organisational spheres may overlap to varying degrees. It is therefore

¹⁸ This idea of civil society excludes state institutions and political parties, as well as economic interest groups and the business community. The core of civil society is formed by spontaneous associations, organisations and social movements that articulate social problems and grievances to a political public.

¹⁹ According to this interpretation, civil society is defined as “a variety of plural organisations and associations which have been founded on a voluntary basis, articulate their particular material and normative interests and organise autonomously” (ibid.).

useful to make a further distinction between civil society, political society and the state, as White (2004, 12) and Whitehead (2004, 29) suggest. Political society, in this context, refers to a range of institutions and actors who mediate and channel the relationship between civil society and the state. Crucial elements are political parties and leaders, who can act both “to strengthen and to weaken the democratic and authoritarian potential of a given configuration of civil society. For example, parties may be integrative mechanisms in that they are able to group together disparate or conflictual elements of civil society into broad and stable political coalitions; alternatively, they may act to articulate or intensify the inherent schisms of civil society. Political leaders may play similarly varying roles” (White 2004, 12).

In this framework, civil society could simply be viewed as one particular form of the political relationship between state and society along the lines of the liberal notion of “political society”. The advantage of such an approach is that it helps to identify and explain the emergence of those social forces that play a political role in establishing this relationship. But as White (2004, 9) further points out, this approach is selective and refers civil society exclusively to modern forms of association, or to those institutions that accept the principles of liberal democracy: “Each approach would select a particular group of social organisations as ‘truly civil’, the rest being presumably ‘uncivil’, ‘non-civil’ or ‘pre-civil’ because they are traditional, authoritarian or pre-capitalist. Each of these approaches carries with it the characteristic problems and limitations of the particular paradigm and each runs the risk of pressing analysis into a manichean evaluative mould, with ‘civil society’ taking on distinct and usually favourable moral connotations” (ibid.).

As the term is used in a far broader sense in conventional development discourse to denote a much more complex universe, White also suggests that rather than solving the problem of clarity by adopting a restricted notion, it may make more practical sense to adopt an approach that tries to come to terms with this breadth, not define it away. He proposes that there is no teleological virtue in the notion of civil society and instead suggests an inclusive definition that recognises actually existing civil societies as opposed to a normative model of civil society, as the former is more appropriate to the hybrid character of developing societies and can better capture the consequent diversity of their associational life (White 2004, 10, referring to Jean-Francois Bayart). This might offer insight into a more complete picture of the social forces which obstruct as well as facilitate democratisation. It is then necessary

“to make distinctions between different types or sectors of civil society, such as modern interest groups, traditional organisations, formal organisations or informal networks, advocacy or political pressure groups, legal and illegal organisations, and between associations which accept the political status quo and those who seek to transform it by changing the political regime (such as guerrilla movement or a reactionary religious

organisation) or redefining the nation (as in former Yugoslavia)... One would be seeking the specific constellations of social forces which underpin a process of political democratisation, guided by an eclectic set of hypothesis. Depending on the context, some elements of civil society would be politically involved, some tolerant or supportive of authoritarian rule, some working towards an alternative conception of democracy radically different from the liberal version, and some 'progressive' in the sense that they favour and foster a liberal democratic polity. Thus any statement to the effect that a 'strong' civil society is more conducive to democratisation would be meaningless unless one went further to investigate the precise content of this constellation of social forces" (White 2004, 11).

3.2. The challenge: clarification of terms and strategies

Peacebuilding in war-torn societies needs both institution building and civil society initiatives working on structures and processes. Efforts at the grassroots level might not be able to transform wider systems of conflict and war, but it is also not possible for these wider systems to be transformed without stimulating changes at the community level (Barnes 2005, 22). Relationship building and establishing cultures of peace in order to overcome cultures of violence cannot be imposed from above and top down. Democracy and its norms and values must also be learned and experienced on the ground, at the grassroots level. Finally, state actors depend on civil society in order to create the social consensus upon which political reforms can be based. At the same time, without a well-functioning state, the development of civil society is almost impossible. At best, it can only form isolated pockets of civil society activity. This means that rather than "(...)-first" strategies, an *integrated approach* based on various levels is needed.

An important challenge for the strategies of external actors is to include civil society actors from the very beginning in all phases of intervention – from peace negotiations and implementation of agreements to post-conflict peacebuilding – and at the same time not to overload these actors with exaggerated expectations. An inclusive approach is important for several reasons. First, it is the only way to include perspectives and needs assessments of broader society and civilians, instead of responding exclusively to the needs of armed groups and negotiating only with former or still-active warlords. Second, it is the only way to include the perspectives of women (and not only men), as the gender-related campaigns inspired by UN Resolution 1325 have demonstrated. Third, inclusiveness increases the chance of reaching an agreement based on a broader political and social consensus. Support for civil society should therefore be further developed as a key element of development and peace politics.

As John Paul Lederach has rightly stated, there is a need to build peace from the bottom up, the top down and the middle out. Yet the methodologies for crossing the scale barrier,

simultaneously and in a coordinated manner, are not well developed. Therefore the key seems to be in building constituencies (Lederach 1997), negotiating dynamic and strategic partnerships for peace (Barnes 2005, 22) and forming networks of effective action (Ricigliano 2003; Serbin 2005) as an antidote to systems and networks that sustain war.

However, external support and funding mechanisms for local civil society actors must be improved. Quality is needed instead of quantity. Much more could be done in order to better channel international aid so that it serves those stakeholder groups which want to participate proactively in regeneration and the construction of a new society. This means that cooperation partners must be selected carefully according to the contributions they can make to addressing social needs. To this end, funding schemes must be better attuned to the specific needs and dynamics of the local actors so that activities can be planned over the longer term. Selection of appropriate local partners is also crucial to avoid the possible misuse and waste of resources. Building civil society does not necessarily mean setting up new NGOs, but also working with existing traditional social actors (Paffenholz and Spurk 2006, 53ff) and opening up spaces for citizens' participation in and through mechanisms of local self-management. However, international actors should also be aware that civil society cannot be "created" entirely from the outside. External support can only strengthen but not create local capacities: if no such capacities exist, nothing can be strengthened.

Finally it becomes clear that the concept of civil society, which is used in many different ways for a variety of purposes, requires further conceptualisation. It is crucial to be explicit about whether the term is used either as an *analytic* or *normative* concept. Those who use it in the normative connotation must be aware that, under certain conditions, this might be highly problematic. As Böge (2006, 18) has rightly asserted, we should challenge the thinking which assumes that all societies have to progress through "western" stages of state and social development. Analysis should therefore also consider the "hybridity" of political order. It is suggested that positive mutual accommodation of state and non-state traditional (and civil society) mechanisms and institutions is a promising way to make use of hybridity (ibid.). This poses a serious challenge for approaches to conflict transformation and peacebuilding: the need to search for new forms of statehood and political community that transcend the conventional concepts of the post-Westphalian, western state (Böge et al. 2009). There is obviously a need to further develop the concept of civil society in order to protect it from Euro-centric biases.

According to liberal-democratic thinking, a precondition for building a vibrant civil society is that members of a society see themselves as citizens (of a given polity) who take responsibility

and become active in either their local communities or in associations that articulate needs and grievances in the public sphere. These attitudes of citizenship are likely to be very difficult to implement in many zones of conflict. It is also possible to conclude that in some places (i.e. war-torn societies in the global south) these ideas are not at all relevant and any effort to impose these values would amount to social engineering. In other places, such as the above-mentioned case in the Balkans, setting up viable civil society structures simply requires patience, substantial long-term support and reliable partnerships.

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