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DONOR SUPPORT FOR CIVIL SOCIETY ADVOCACY IN BIH

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INTRODUCTION

A strong civil society (CS) which is able to successfully advocate for groups of citizens is often seen as central to democratization and peacebuilding. Yet, after 17 years of donor support for CS, there are few signs of improvement in this direction. What have been the direct and indirect outcomes of previous efforts? What have both donors and CS actors learned from this? Can donors constructively and effectively support change agents within CS?

In order to better understand the topic, the authors approached and interviewed the 10 donors providing the most funds for CS and reviewed documents regarding their programs.¹ In addition, 10 CS activists with experience with advocacy and receiving donor funds as well as a reputation for independence were also interviewed. The policy brief is also connected with an independent research project related to the legitimacy of CS actors and is based on additional interviews and academic literature. The authors have attempted to understand donor constraints and rationales and to seek a balanced perspective on both donor responsibility and the limitations of Civil Society Organizations (CSOs) in the present Bosnian context, with the goal of making realistic recommendations. The brief will address 3 key issues: which topics and forms of advocacy are most helpful; the effectiveness of donor support in building advocacy capacity; and the role of the EU.

¹ BCSDN, *Donors' Strategies and Practices in Civil Society Development in the Balkans. Civil Society: Lost in Translation?* [Skopje, 2012] <<http://www.balkancsd.net/resources-and-links/publications/1005-balkan-civic-practices-8-donors-strategies-and-practices-in-civil-society-development-in-the-balkans-civil-society-lost-in-translation.html>> [accessed 4 March 2012]. Donors contacted were the EU Delegation, USAID, BTD, CS Mott Foundation, NED, SIDA, German Embassy, Royal Netherlands Embassy, SDC, Open Society Fund.

WHY SUPPORT ADVOCACY?²

Support to CS in Bosnia needs to be considered from both the perspectives of democratization and peacebuilding. A strengthened advocacy role for CS is essential to **governance-oriented**³ democratization strategies. Advocacy can shift power in favor of citizens and their needs in relation to ethnic elites and often unresponsive bureaucracies. It can strengthen functions of CS left weak after donor support focused on service delivery and donor agendas. Rights-based advocacy (e.g. Sejdić-Finci case) can expose contradictions between the Dayton structure and international and European conventions that Bosnia has signed and EU standards which it should someday fulfill. Finally, advocacy can build legitimacy of CSOs based on their articulation of citizen concerns and recognized areas of competence.

In addition, a comprehensive review of case studies of peacebuilding by CS

in different conflict stages including in BiH and focusing on the relevance and effectiveness of 7 CS functions rated **advocacy** as the most effective type of activity after conflicts with large scale violence.⁴ The study also found that mass mobilization and inclusion of large numbers of people drawing media attention were success factors for advocacy.

In contrast, the review found that **in-group socialization**⁵ activities were often ineffective because they were performed by specialized NGOs which themselves did not have a democratic structure and therefore were not effective at advocating for democratic values. The study advocates rather for engagement through regular socialization institutions like schools. Similarly regarding activities for **social cohesion**, it found that group divides often increase after peace agreements and that,

“most peace- and relationship- oriented initiatives were largely ineffective.” They were popular among donors but lack domestic ownership and focus on changing attitudes rather than behaviors. The remaining functions that were examined were **service delivery** which was not frequently an entry point for peacebuilding and **monitoring** of peace agreements, and **protection** which are less relevant in Bosnia at this time.

² advocacy is used to refer to «all non-violent and legal activities designed to influence policies, practices and behaviour» (*Advocacy and Policy Influencing for Social Change* [Sarajevo: TACSO, 2011] including elections, mass mobilization, citizen action, lobbying, and legal suits.

³ “measures and initiatives designed specifically to build the partnership between sectors and to deliver a shift in hierarchies and the augmentation of the roles of non-state actors.” [BCSDN 2012]

⁴ Thania Paffenholz, “What Civil Society Can Contribute to Peacebuilding,” in *Civil Society and Peacebuilding: A Critical Assessment*, ed. by Thania Paffenholz [Boulder: Lynne Rienner, 2010], pp. 381–404.

⁵ In the Bosnian context largely focused on the culture of peace and socialization for democratic attitudes and for handling conflicts peacefully.

POLITICAL CONTEXT

Basic political processes in BiH have been deadlocked since 2006. As a consequence, BiH has lagged behind in the democratization process as well as in EU integration. The constitutional structure established in Dayton in 1995 has proven to be an insurmountable obstacle in that it has created perfect ground for ethno-nationalist politics which in reality developed into the politics of narrow interests, clientelism, corruption and control over political and public life by party leadership. The BiH political system allows for the improper political control over different branches of government, and provides political parties with tools to lock the political process and utilize the politics of threat and blackmail. This is coupled with a lack of consistent strategy and political will by the EU, which still prefers stability over democratization and ad-hoc reactions to threats of political instability (whether real or perceived) which has created the circumstances where the BiH political system has rapidly deteriorated including regression on already-achieved reform.

Since 2006, for the lack of a better strategy, the **EU has recognized the major political parties as their only partners in the EU integration process**, for example the regular practice of negotiating all issues with political party leaders. Negotiations have been driven either by attempts to avoid or curb what are frequently artificially-created political crises or by the desperate attempts by EU representatives to produce deliverables. **As a consequence, those infrequent deals have fallen significantly short of European standards and norms thus further undermining the reform process.** A typical example is “structural dialogue on justice reform” initiated by the EU as a concession in the face of political blackmail by Milorad Dodik. It continues to be a forum without a clear strategy where a framework for substantial and standards-driven justice reform is avoided for the benefit of continued concessions to political leaders in their drive to undermine the justice sector and place it under full political control.

The practice of negotiating with party leaders behind closed doors, along with the message coming from the EU - “Whatever your politicians agree upon is acceptable to us”, **continues to undermine public institutions and to leave both citizens and CSOs in the dark** regarding both the content of negotiations and political responsibility for the positions taken and the outcome of the negotiations. A striking example is the negotiations over the implementation of Sejdić-Finci vs. BiH ruling of the ECHR, which took place in the first half of 2013. All the talks took place behind closed doors with political party leaders and representatives without the public ever being informed of the content of talks. Terms like “electoral college” were thrown around, while actually the “Croat question” turned out to be the focus of talks. The only thing that was clear is that negotiations had not centered on the actual ruling nor been grounded in attempts to truly remove systemic discrimination of the members of ethnic minorities. When negotiations failed, Enlargement Commissioner Stefan Füle visited BiH in April, and the citizens of BiH heard at a press conference that “some political parties were responsible for the failure of negotiations”. However, EU representatives are often quick to place responsibility on the shoulders of BiH citizens for their voting preferences. This isn't the best approach if the goal is to develop a transparent democratic system with an informed, active, organized and politically-aware citizenry.

Importantly, **parts of civil society have improved over the past period in terms of organizing, expertise and willingness to voice dissent against dominant political practices.** However, the representatives of the EU, in order to avoid setting-off political leaders, for the most part have ignored civic initiatives and have not been willing to openly support them - even when they have been clearly in line with EU conditions, standards and values. The Initiative for Freedom of Declaration, which was focused on adjusting the census questionnaire in accordance with recommendations

by the International Monitoring Operation, was not openly supported by EU representatives, presumably because it would have potentially annoyed the dominant parties or led to a delay in the census. The Initiative sought free responses for the so-called identity questions, where the dominant political parties, in line with their narratives and ruling style, demonstrated a profound interest in guiding and limiting citizens in declaring their identity.

Ever since the SDP-SNSD deal was made in the second half of 2012, parts of CS have been voicing their concern regarding planned legal changes. Each one of the agreed changes undermine reforms that were already achieved and that were driven and in many cases paid for by the EU or its member states, and **reinforce the powers and privileges of political parties at the expense of democratic standards.** They all aim for less transparency, less political responsibility, less influence of citizens within the election process, more political control over the judiciary, and significantly less fiscal discipline and viable economic planning. This deal was met by rather meek responses by EU representatives and member states, with some even praising the elements of the deal, since “political leaders agreed”. The only harsh criticism came from the Norwegian and Swedish embassies on judicial matters. The deal in the meantime was put in motion, and changes of the Law on Conflict of Interest and Law on Public Procurement have already passed (following “emergency procedure” [sic!]) through the House of Representatives. The EU has reacted very weakly to the process and it done so on a law-by-law basis, avoiding addressing the bigger picture. **These changes form a trend, not isolated incidents.** However, EU representatives and institutions, as well as a majority of donors, have not publically supported attempts to prevent the adoption of these laws nor to confront the package as a whole.

On the other hand, in temporarily preventing change to the Freedom of Information Act, through expert-based

and well-organized actions, part of civil society demonstrated that they are capable of activism and tenacity **without being project-driven** or formally established as a coalition. The participants simply acted in accordance with their respective missions and using existing resources. The initiative and coordination to prevent the change of FOIA has been “organic”.

The political parties have settled over the years into the existing system, without being challenged either from above (by the international community, primarily the EU) or from below (by increasingly disempowered, misinformed and blackmailed citizens) for the past seven years. **Recent devel-**

opments call for more courage among donors and international actors to recognize and publically support parts of civil society as their “natural” partner in transition and democratization. It should be kept in mind that under the given circumstances and institutional arrangements, political parties have no interest in changing the status quo and giving up on the power and privileges that they currently enjoy. Every negotiation between the EU and political parties is just a stalling tactic. But the damage they create for reforms in BiH and the emancipation of citizens and civil society are far-reaching. Every issue is political in BiH, since the system is designed so as to make it possible for every issue to be the object of polit-

ical games and rent-seeking. Likewise, the activities of both CS and the EU are political, and only by supporting “controversial and political” issues, guided by EU standards and norms, can the foundations of the system be reformed in such way to establish the grounds for substantial democratization and successful integration into the EU. Importantly, before CS can assume its role in the political system, amongst other things by advocating for constructive and quality solutions through regular channels, political parties must find themselves under strong pressure from both the public and international actors in order to even consider both CS and the EU as partners and adopt their priorities.

STATE OF ADVOCACY

This brief overview will focus on progressive advocacy efforts, while acknowledging that this depends on key assumptions and leaves out significant parts of CS. Both academic and donor-funded reports typically cite a **few successful examples** but present these as being **atypical**.⁶ Some of those cases are formal successes – for example passing laws that however remain unimplemented because detailed regulations have not been issued or the implementation remains unfunded, which is most likely due to the lack of political will and low level of competence. CS activists reported more success in blocking proposed changes (i.e. the SDP-HDZ agreement in July 2012) than in proposing new initiatives. Multiple interviewees commented that the most significant successes were achieved together with international actors (i.e. direction election of mayors), in which international pressure played a key role.

There are multiple efforts to **provide, analyze, and disseminate information** (i.e. about public expenditures, corruption, party platforms) but few efforts of sustained advocacy, attempts to talk with and influence policymakers, constituency identification and building, or ongoing informing of the public and affected constituencies.⁷ As put by Belloni and Hemmer, “For the majority of local organizations ‘advocacy’ is translated into complaints against the government or the international community, without a sustained constructive engagement. Rarely do NGOs engage in coordinated and strategic approaches and follow-through from initial events to actually passing laws or monitoring their implementation.”⁸

On the other hand, a high unemployment rate and citizen dependence on the political parties for secure public jobs, social benefits and other privileges, means there are poor conditions for organizing of citizens into **independent interest-based or professional CSOs** (membership-based CSOs such as unions, business, farmers’, or parents’ associations). In addition the lack of mechanisms and political culture which foster the responsiveness of politicians and government responsibility makes successful advocacy difficult. These factors contribute to a general lack of success in **mobilization** for either protests, public pressure, or activism.

⁶ Roberto Belloni, *State Building and International Intervention in Bosnia* (London, New York: Routledge, 2007); Ismet Sejfića, *NVO Sektor u BiH: Tranzicijski Izazovi* (Tuzla: Bosanska Riječ, 2009); IBH, *Why Is NGO Potential Unrealised?* (Sarajevo, 2012); Ivana Howard, “Unfinished Business: Civil Society,” in *Unfinished Business: The Western Balkans and the International Community*, ed. by Vedran Dzihic and Daniel Hamilton (Washington, D.C.: Center for Transatlantic Relations, 2012), pp. 35–48.

⁷ *Assessment Report on Advocacy Capacity of Membership Based CSOs in Bosnia and Herzegovina* (Sarajevo: TACSO, 2012) <http://www.tacso.org/doc/ba_ar_advocacy_capacity_en.pdf>; Roberto Belloni and Bruce Hemmer, “Bosnia-Herzegovina: Civil Society in a Semi-Protectorate,” in *Civil Society and Peacebuilding: A Critical Assessment*, ed. by Thania Paffenholz (Boulder: Lynne Rienner, 2010), pp. 129–152.

⁸ Belloni and Hemmer, p. 141.



THE PRESENT MOMENT

There is some evidence of a search for **new approaches** of supporting CS in multi-year guidelines issued by the EU DG Enlargement⁹ and USAID.¹⁰ Some of the new directions in the former are support for longer-term contracts, moving away from project-based support to a more flexible approach that fosters partnership and coalition building, doing more to reach out to grassroots organizations, and better reflection of the perspective of social partners and professional and business associations in the Commission's work. USAID's RFA envisions 10-12 CSOs that "truly represent their sectors" which will each lead a formal or informal issue-based network that can "mobilize multi-sector reform-minded stakeholders". A final example of new approaches by donor organizations is the Open Society Fund which after many years of significant investment in large NGOs as implementing agencies now focuses its support on identifying and increasing capacity of interest-based CSOs (such as parents' and teachers' associations regarding inclusive education).

There is also evidence of change in the approach to **organizing** and potential for progressive **mobilizing** by CS organizations. There are more informal issue-based coalitions¹¹ and interviews revealed more organic approaches to organizing while avoiding or minimizing the bureaucratic requirements of project-based funding. Moreover protests like "Park je naš" in Banja Luka and JMBG in Sarajevo and other cities have for the first time mobilized thousands of citizens around the common good without being initiated or used by political actors, or being programmed and sponsored by donors.

APPROACHES TO STRENGTHENING CS ADVOCACY

In order to better understand the connection between previous donor support and the advocacy capacity of CS, this section will summarize **theories of change** within donor-sponsored programs and some of the weaknesses that have been observed.

- **Formalization** of Government - CS relationships under the label "cooperation" via compacts (*sporazumi*) at various levels and a national-level Civil Society Board which can be understood as a way to build legitimacy of CSOs and responsiveness of government to CS requests. The weaknesses of these approaches are that they require "representatives" of CS which are frequently self-appointed and not broadly accepted by government or CSOs. The resulting compacts have remained largely formal and there is little evidence that these have become platforms for successful advocacy. Rather those CSOs that receive government funding as a result receive it for providing services but are at risk of sacrificing their autonomy in exchange for the financing that they receive.
- Numerous **institutional mechanisms** for CS participation such as Youth Councils, Bulldozer initiative, Parents' and Students' Councils have been introduced. The limitations of this approach are visible when external funding and organizing infrastructure is ended frequently leading to a reduction or ceasing of activity.
- **Long-term** (5+ year) **financial support** where some donors provide core institutional support¹² while others require project applications but allow flexibility to divert to other activities while covering overhead costs.¹³ The theory of change appears to be that carefully-selected CSOs will develop into effective advocates if provided financial autonomy.
- The TACSO project has generated reports analyzing **systemic weaknesses** of CS (advocacy capacity of membership-based CSOs, networks and coalitions, financial statements of CSOs)¹⁴ and provided financial and facilitative support for events for **strategic planning** of existing networks & coalitions.
- Projects which are founded on building and promoting the **technical expertise** of CS in order to be an "equal" and recognized partner in policy discussions with government. While this may build more openness for interaction between government and CS over time, a weakness is that good analysis doesn't mean willingness to make decisions that may be unpopular or challenge established interests. It is extremely rare for technical expertise to lead to better policies in the absence of public pressure.

¹² SIDA, Mott Foundation.

¹³ NED.

¹⁴ TACSO, *Bosnia & Herzegovina Needs Assessment Report* (Sarajevo, 2010) <http://www.tacso.org/doc/02_nar_ba.pdf> [accessed 4 June 2012]; *Assessment Report on CSO Networks/Platforms/Initiatives/Coalitions in Bosnia and Herzegovina*; *Assessment Report on Advocacy Capacity of Membership Based CSOs in Bosnia and Herzegovina*; Aida Daguda, Milan Mrđa and Slaviša Prorok, *Annual Financial Reports of Civil Society Organizations in Bosnia and Herzegovina* (Sarajevo, 2013) <http://tacso.org/doc/Annual_Financial_Report BiH 2011.pdf>.

⁹ DG Enlargement *Guidelines for EU Support to Civil Society in Enlargement Countries, 2014-2020* (Brussels: EU DG Enlargement, 2013) <http://www.europa.rs/upload/ELARG_Guidelines_CS_support_final_draft_130513.doc>.

¹⁰ USAID, *RFA: CSSP in BiH* (Sarajevo, 2013) <<http://www.grants.gov/search/search.do?mode=VIEW&oppld=227573>>.

¹¹ *Assessment Report on CSO Networks/Platforms/Initiatives/Coalitions in Bosnia and Herzegovina* (Sarajevo: TACSO, 2012) <http://www.tacso.org/doc/ba_ar_cso_networks_en.pdf>.



MISSING AWARENESS IN MANY DONOR PROGRAMS

“Ignoring politics does not render intervention neutral at all, but instead has the effect of reinforcing the status quo”.¹⁵

Many donor programs do not adequately consider important characteristics of CS, or seem limited in their ability to implement new models. Grassroots and interest-based CSOs are often both **politicized (answering to political parties and actors) and polarized (either accepting of ethnic narratives or divided into competing blocs)**. These are often the very CSOs which key donors see as central to the success of CS advocacy. At times, donor-supported CSOs with a stated goal of supporting better policies and more responsive government have appeared to advocate for party positions, leading to a long-term undermining of the independence of advocacy and watchdog efforts as perceived by the public. Finally, organic **cooperation** with broad local ownership among CSOs is difficult and rare, and donor programs which respond to this lack of cooperation by providing incentives for networks and coalition have ended up fostering formal networks that exist largely on paper and often only while the project lasts. In contrast, organic means that they were supported by legitimate and credible CSOs with existing results and evidence of a clear mission, goals and visibility, in contrast to those that result from top-down design processes. (Recommendation #6)

Donors' frequent use of Results-Based Management (**RBM**) approaches in project applications with an advocacy focus have supported attention to immediate outputs like web sites, manuals, and policy studies given the difficulty and extended timeframes of measuring outcomes. Project applications are often assessed based on **technical criteria** without adequate regard to the context of ongoing societal conflicts and their potential positive or negative impact on them.¹⁶ In addition, the assessment and selection processes suffer from limiting **political assumptions** about the existing system and potential for change. A critique of this approach is that, “engaging professional NGOs in apolitical projects that predominantly side-step causes and focus instead on ameliorating the effects, or making changes at the margins without directly challenging nationalist elites or existing hierarchies, are destined to have limited impact in climates of corruption and intimidation.”¹⁷

Donors have frequently critiqued professional CSOs as being donor-driven under the keyword “usual suspects”, while some acknowledge that previous donor practices have rewarded the establishment of such organizations. In regards to advocacy activities an observed lack of advocacy skills and motivation¹⁸ comes after 17 years of CS “capacity-building” interventions, leading to a present question whether **more of the same will lead to different results?** (Recommendation #13) To put it critically, how could externally-designed change initiatives implemented via short-term grants by weakly-coordinated organizations with low legitimacy and focused on issues of indirect concern to most citizens become effective advocates?

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¹⁵ Willemijn Verkoren and Mathijs van Leeuwen, “Complexities and Challenges for Civil Society Building in Post-Conflict Settings,” *Journal of Peacebuilding & Development*, 7 (2012), 81-94 (p. 85). Citing Jude Howell and Jenny Pearce, “Civil Society, Democracy, and the State: The Americanization of the Debate,” in *Civil Society and Development: A Critical Exploration*. (London: Lynne Rienner Publishers, 2001).

¹⁶ *The Missing Peace: The Need for a Long Term Strategy in Bosnia and Herzegovina* (Saferworld and Nansen Dialogue Centre Sarajevo, 2010) <<http://www.saferworld.org.uk/The missing peace - English reduced.pdf>>.

¹⁷ Adam Fagan, *Europe's Balkan Dilemma: Paths to Civil Society or State-building?* (London: I.B. Tauris, 2010), p. 191.

¹⁸ *Assessment Report on Advocacy Capacity of Membership Based CSOs in Bosnia and Herzegovina*; USAID.

KEY ISSUES

Which topics and forms of advocacy are most helpful?

Designing advocacy programs or selecting from among advocacy proposals requires assessments on the part of donors or intermediary organizations about which topics and forms of advocacy will be most helpful and which organizations will be best able to implement them. As articulated earlier in this policy brief, this is a political process and denying this while claiming

neutrality supports the status quo.

One predominant approach in donor-funded programs is **rights-based** advocacy founded on the idea of universal rights with a focus on certain excluded populations (for example work on social inclusion, LGBT rights, Roma rights, and gender equality). Without denying that these are issues in which BiH must achieve change in order to eventually become an EU member, the primary critique to these approaches is

one of relevance and priority. Focusing primary attention to these efforts has been likened to re-arranging the deck chairs on the Titanic. Until advocacy efforts can achieve palpable benefits for larger groups of BiH citizens and challenge unresponsive politicians, such efforts will remain at the margins. Finally such efforts may be attractive to donors because they are perceived as having low political risk because it allows international actors to maintain cooperation and good relationships

with political leaders while maintaining the appearance of neutrality by ignoring the elephant in the room.

A second approach to advocacy is based on the potential of mobilizing interest-based and other CSOs around issues of common interest. Such **issue-based advocacy** in theory benefits from the legitimacy and local ownership of such CSOs in order to influence policymakers. In practice this approach has several difficulties. Such CSOs are often politicized and in addition may depend on the state for financial support reducing their autonomy and the leaders of such organizations may be part of the same elites that benefit from the status quo and make substantive change difficult. Furthermore does donor-supported issue-based advocacy pursue goals that are the top priorities for the affected groups? Or are they instrumentalized to pursue steps advocated for by the predominantly neoliberal¹⁹ analysis of the donors? Agendas set by donors may be less effective because they don't correspond to the most pressing needs, while there is also a tendency for CSOs to take the easier path in selecting agendas. These tendencies can be mitigated by assessment methodologies that include CSO legitimacy and credibility, by support for organic initiatives, and different forms of capacity-building. [Recommendations #1, #6, #13]

A third but less common approach to advocacy is focused on **community-level needs** (health, environment, education, public services) often organized by grassroots CSOs.²⁰ Such advocacy may have a higher chance of success and engage CSOs beyond the "usual suspects". The immediate outcomes however are by definition of narrow geographic and thematic scope and it is difficult to evaluate the wider impact (potentially capacity gained for future advocacy and strengthened social capital).

Rights-based, issue-based, and community-based advocacy can all be important components of democratization. The authors acknowledge the po-

tential in the less commonly supported interest-based and community-based approaches to advocacy. But at the end of the day, selecting which approach to take to advocacy may be secondary. The more important questions are whether Bosnian CSOs are setting the advocacy agenda and whether donors are willing to support topics they view as "politically risky". In our interviews, CS activists reported not receiving support for such topics. When asked what is most important to tell donors, one response by a CS activist was, "Grow some backbone!" This reflects what can be labelled as more focus in present programs on stability over democratization. The weakness of "stability" based in the present deadlocked and unresponsive political system may mean that more support is required for deeper democratization. In addition, "stability" isn't delivering on the EU agenda. Stronger and consistent support of organic initiatives is one step in this direction [Recommendations #9, #10].

Effectiveness of donor support in building advocacy capacity

Current strategies for CS Development by the EU and USAID focus on working with more grassroots membership-based organizations and issue-based networks. Yet given the procedural and reporting requirements, this has been and most likely will continue to be done via a re-granting process. **Intermediary organizations** are considered to be necessary in order to manage more smaller grants, to be

more knowledgeable about the needs, to allow applications in Bosnian/Croatian/Serbian, and to be able to respond faster to initial requests and requests for changes. At the same time such intermediary organizations require resources and their institutional imperative to sustain themselves can subsume the development imperatives of cooperation, information sharing, and mutual learning.²¹ Specifically such professional intermediary CSOs need grassroots and membership-based CSOs to demonstrate their impact and are needed for their access to funds and information. This establishes the conditions for instrumental (based on and limited to financial interest) rather than partnership-based (based on common values and goals) relationships. The authors' assessment is that this dynamic cannot be eliminated but rather mitigated through donor influence over assessment methodologies that include CSO legitimacy and credibility, considering providing core funding and allocating smaller funds for ad-hoc activities. [Recommendations #1, #2, #3]

Existing grassroots and issue-based advocacy efforts reveal a common lack of **expertise and skills** which are crucial for effective advocacy, both by individual organizations and coalitions/networks/groups. Capacity building programs have largely focused on packaged trainings and on technical aspects. This can be improved by considering new forms of capacity-building support and emphasizing relevant expertise. [Recommendations #7, #13]

There is a potential for idealization of membership-based and grassroots organizations which are often represented as having **high legitimacy**. While some such organizations do have high legitimacy, others do not because they are seen by the public or their members as being beholden to political actors which prevents them from being tenacious advocates for either their members or a broader public interest.²² There is a danger that broad support for such CSOs can repeat what is perceived as an earlier mistake, "to assume that

¹⁹ Characterized by with a focus on a diminished role for the state, importance of CSOs as service providers, and bounded range of valid CSO actions within the frameworks of a democratic system, human rights and free market economy. John Harriss, *Depoliticizing Development: The World Bank and Social Capital* (New Delhi: Leftword Books, 2001).

²⁰ See Assessment Report on Advocacy Capacity of Membership Based CSOs in Bosnia and Herzegovina. For examples.

²¹ Michael Edwards, "Have NGOs 'Made a Difference?': From Manchester to Birmingham with an Elephant in the Room," in *Can NGOs Make a Difference?: The Challenge of Development Alternatives*, ed. by Anthony Bebbington, Samuel Hickey, and Diana Mitlin (London, New York: Zed Books, 2008).

²² 30 interviews were conducted with representatives of CSOs, donors and international organizations, and government at all levels in fall, 2012.

by promoting the [NGO] sector in general, a strong and powerful CS would emerge which could counterbalance ethno-politics driven by state institutions and nationalist political parties.”²³ In addition, seeking such CSOs to fund has the potential outcome of **generating new organizations** or **professionalizing existing ones** in order to meet donor requirements. This can be mitigated by better awareness and support of existing initiatives and assessment methodologies that include CSO legitimacy and credibility (Recommendations #10, #1).

Finally it is common for advocacy efforts to be dismissed by politicians and some Bosnian citizens as representing “well-paid foreign mercenaries”. Although all CSOs should provide the same financial information to the public as they are required to provide to the relevant authorities, in practice this is rare. Donors could help this change process by requiring basic financial transparency on the part of their grantees (Recommendation #5).

6-24 month **project applications** are the most common form of grant support to CS, although a few donors provide long-term and core support. Donors using public funds also have regulations which stipulate the kinds of expenses can be covered (whether these include overhead costs or to what degree) and their reporting requirements. Despite the critiques of the “project” approach mentioned above under “missing awareness”, short-term project applications will remain an important form of donor support. CS activists noted that while donors initiate competitive application processes, they often support known (previously-supported) organizations and saw this as an effect of the closed nature of donors for new approaches and new organizations. In addition, they see project administration as a limiting factor in the effectiveness of their work (because of time constraints and linear planning frameworks that don’t adequately reflect outcomes or constrain ability to dynamically respond). Donors on the other hand indicated that there are few “reliable and professional” organizations,

while some have adapted a strategy of adjusting the competitive, short-term project model by intentionally supporting the same organizations for multiple subsequent grants. If changing the short-term project model isn’t possible, some of these weaknesses can be mitigated by assessment processes that place more emphasis on the existing results of the applicant and the relationship of a given project to previous initiatives and other supporting CSOs. (Recommendations #1, #4, #10)

A final area where donors can improve effectiveness relates to the explicit **financial** and implicit **moral support** that governments receive via donor-funded reform projects. Donors reported that they rarely require government institutions to consult with CS and are rarely asked to use connections with such institutions to facilitate CS advocacy efforts. Analyzing the focus on institution building, particularly on improving the functioning of national and entity governments that can be observed in both bilateral and EU-funded efforts is beyond the scope of this brief. However, there does seem to be a missed opportunity to strengthen CS advocacy by donor agencies supporting CSOs to better inform the public about institution-building efforts, strengthening intra-agency and inter-agency links, and including regular CS consultation in their design as recommended by best-practices (Recommendation #11).

The present common practice is that strategy documents which do require CS participation are often put on the shelf after completed or are only implemented with donor funds, raising the question whether governments support them at all or how sustainable the changes will be. Furthermore requirements that institutions strengthen con-

sultation mechanisms with CS remain unimplemented²⁴ or are pro forma (for example Parliament of BiH hearings on constitutional reform). The successful establishment and functioning of consultation channels between CS and government and institution would require continuous advocacy for and monitoring both by CSOs and donors/diplomatic representatives.

In addition, numerous activists in our interviews asked why **foreign diplomats regularly meet with politicians** that are not responsive to CS requests, or do so without raising these requests as issues. Because of the foreign intervention and ongoing role of foreign governments (EUSR, OHR), donor support for CS cannot be assessed separately from diplomatic support. Finally, in donor-funded advocacy projects, CS activists reported a lack of diplomatic support for policy analysis performed on the behalf of donors. CSO advocacy can be strengthened by better application of the normative and symbolic power by embassies and diplomats in support of international and EU standards and the common good. (Recommendation #9)

What role can the EU play?

As the largest donor and government negotiating partner in the EU-accession process, the EU has the potential to play a significant role, a role that can be positive. A comprehensive review of EU assistance 2000-2009 comes to the conclusion, “The most important finding of the study, and in a sense the most damning critique of the assistance, is that projects designed to enlist state and non-state actors and to lay the foundations of governance partnerships, bar a few notable exceptions, fail to deliver wholeheartedly on this objective.”²⁵

The draft guidelines for support to CS 2014-2020 indicates the intention to provide new forms of assistance and awareness of some of the weaknesses outlined in this policy brief. However, the new direction as outlined includes potential pitfalls. The authors are skeptical whether the professional

²³ Thania Paffenholz and Christoph Spurk, *Civil Society, Civic Engagement, and Peacebuilding* (Washington, D.C., 2006), p. 17 <http://siteresources.worldbank.org/INT/CP/R/Resouces/WP36_web.pdf> [accessed 1 July 2011].

²⁴ For example see *EU DG Enlargement, Ad Hoc Evaluation of the CARDS Programme Country: Bosnia and Herzegovina/ Sectors: Democratic Stabilisation Good Governance Economic and Social Development* (European Commission, 2008), p. 40.

²⁵ Fagan, p. 188.

NGOs which currently receive the bulk of EU CS funds will be able to increase their autonomy, representativeness, accountability, and effectiveness as called for in the 2014-2020 Guidelines, because of both external (lack of social capital, existing low legitimacy) and internal (limitation to short-term projects) constraints. In addition, assessing these characteristics is difficult and may not be consistent with the technical forms of application assessment currently in place (see “Missing awareness”). This can be mitigated by assessment methodologies that factor in organizational legitimacy and credibility (Recommendation #1).

In terms of fulfilling the conditions of funding there is also a systemic challenge because there are few ways for **new CSOs that may better fulfill the guidelines to gain competence in EU grant proposals** and, in addition, such proposals require co-financing. Thus, “As EU calls for projects become more specific and demanding, requiring greater knowledge, capacities and great amount of co-financing, their success will become ever more dependent on the capacity training and core funding provided by the host of small donors and foundations that have operated across the territory.”²⁶ One way this can be mitigated is improved donor coordination especially when it comes to policy on a sectoral basis (Recommendation #14).

In addition, the guidelines call for consultation with “social partners”. While such consultations may make the EU Delegation more accessible

again they involve assessments of which are acceptable and accepted social partners given the environment of politicized and polarized CSOs making claims of representation. A common response to suggestions for inclusion of more perspectives is that the parties have democratic legitimacy via elections. However, democratic control does not lie only in the electoral process. The EU should communicate with other important social actors which are the end beneficiaries of the integration process. Only communication with different stakeholders such as farmers’ and business associations and CSOs focusing on particular issues can provide for multiple views and advocating for additional interests against the narrow interests of political parties. Such sectoral and professional CSOs should be partners of the EU in assessing, designing and promoting reforms in their respective sectors. In addition, if the EU is clearer in communication with the public and more clearly states the conditions for EU membership this will strengthen standards-based advocacy. (Recommendation #12).

All the intended improvements in the new Guidelines will however not produce the desired result unless there is a willingness on the side of the EU to finance and support projects and initiatives which aim at systemic democratic reform. This applies to all donors but particularly to the EU because of its increasing importance. This only means supporting CS initiatives which are consistent within the framework of EU integration (Recommendation #10).

²⁶ BCSDN, p. 54.

RECOMMENDATIONS

In preparing this report, the authors have attempted to understand the constraints that donors operate under and the limits of donor support. Accordingly the following recommendations are intentionally modest steps that the authors believe can be implemented.

Regarding program design and assessment procedures

1. In assessing projects and programs: Increase efforts to **assess legitimacy and credibility** of implementing organizations. For membership-based CSOs this can be done by talking to stakeholders such as beneficiaries and other actors in the affected community. For other CSOs this can be done by assessing autonomy, visibility, and expertise of publications and public statements. The areas of focus for all CSOs can be compared to their stated mission. There are too many organizations that look good mainly on paper and have learned the craft of writing project proposals. Although such assessments may appear subjective they provide helpful information for assessing the potential impact.

2. Provide **longer-term core funding** to organizations that have proven themselves over time through project implementation and impact. The time has come in BiH, with certain CSOs establishing themselves as authentic, competent and active, to provide for more flexibility and freedom in designing activities. If donors don’t think there are such mission-focused organizations, why do they continue to award project funds?

3. Provide **small ad-hoc funding** that would support activities that are a dynamic response to an urgent issue (i.e. pressing legal changes, and organized support to citizens/colleagues on a local level on a particular local issue).



4. In accordance with the “do no harm” principle: increase awareness of **existing areas of advocacy and cooperation** so that if possible, new initiatives strengthen rather than weaken them.

5. Require **transparency** - at a minimum require grantees to be publically transparent with their annual financial statements.

6. Programs to engage with interest-based CSOs should avoid previous mistakes with coalitions and networks. First, only **legitimate and credible organizations** should be supported in conjunction with careful work in capacity building. Second, those CSOs should be supported in line with EU standards and norms (for example, associations of farmers should be supported in line with agricultural policies which fit into the framework of the EU integration process).

7. Donor programs should include a preference for advocacy efforts that effectively engage subject experts and **build expertise**. This could be research done as requested by interest-based CSOs or think-tank efforts that substantively engage government through either pressure or communication through regular channels as well as engaging other CS actors.

8. Donors should **not limit their view on advocacy** as only performable by coalitions/initiatives/groups. CSOs should not be forced into coalitions by program design, but their individual efforts, capacity, expertise, and mission should be supported. In addition to other benefits, this establishes the foundations for organic initiatives and coalitions.

Regarding non-financial support

9. Our key recommendation is better use of **symbolic and normative power**, particularly for donors connected with embassies and diplomatic representatives. CS activists seek both donor and diplomatic statements that reflect clear and consistent principles and stan-

dards. Foreign statements are most effective when done in a strategic way (multiple embassies, key issues). This includes providing support for the outcomes of supported projects.

10. Financial and declarative support for **organic initiatives and coalitions**, whether ad hoc or long term, if they are consistent with democratization, human rights, and standards and values relevant to the EU integration process. This recommendation includes more courage to support such initiatives even if they may be “politically risky” because this helps CSOs to point out where present policies are inconsistent with BiH’s existing commitments.

11. Strengthen both intra-agency and inter-agency links between largely separate donor programs focused on **institution-building and CS** and ensure that institution-building programs include substantive CS consultation.

12. The EU should abandon the practice of negotiating with party leaders behind closed doors and encourage the return of political processes into institutions. Only transparency can allow for **CSOs to assume their intended position in the society**. The EU should also communicate with other important social actors which are the final beneficiaries of the integration process. Only communication with different stakeholders can provide for multiple views and advocating for other interests against the narrow interests of political parties. In addition, the EU should be clearer in communication with the public and in **stating the conditions that BiH must meet in order to join the EU**. This would be a reference that CS can use in advocating standards and reforms, as well as a helpful tool to put pressure on and monitor the government.

13. Support alternatives to **packaged one-off advocacy capacity-building training**. At a minimum capacity-building needs to happen when and for the issues identified by CSOs that will use the skills and knowledge.

Regarding donor coordination

14. Continue efforts at **donor coordination** with an emphasis on sectoral coordination, in order to avoid project duplication and make better use of donor coordination forums to foster reflection and learning. Improved donor coordination is a common recommendation, yet there are numerous practical difficulties – it depends on individuals to take the initiative, is easier with smaller donors with a single contact person, and can function at level of information exchange without dialogue leading to deeper reflection and learning. However, additional efforts are needed.

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