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“The Role of Civil Society in Strengthening Democracy“

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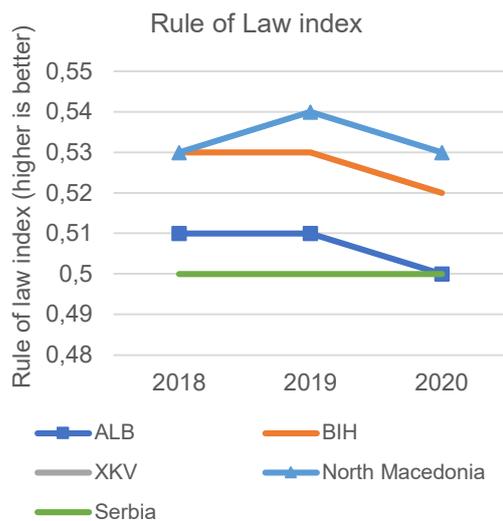
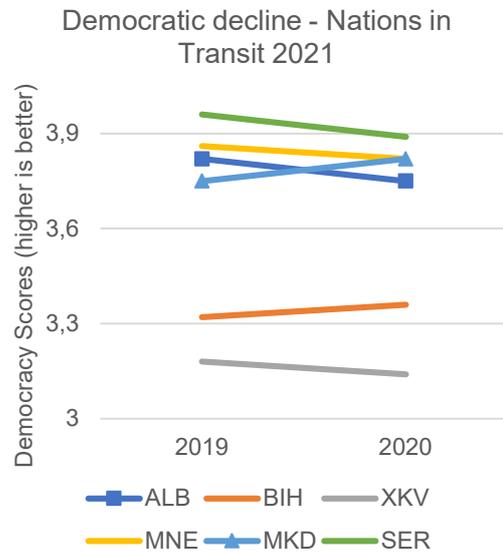
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This input paper discusses the role of civil society in improving democratization. The focus is on the strategies civil society actors employ or can facilitate to provide greater opportunities for democratic progress. The goal is to briefly describe environments where these actors operate and initiate a discussion about how civil society can build greater resilience to democratic withdrawal.

The latest Nations in Transit report warns of democratic backsliding observed in 2020 throughout Central Europe and Asia¹. Data shows that the Western Balkans has followed this general trend. Bosnia and Herzegovina and North Macedonia observed some improvement while the democratic score of others in the region declined in the past year. Bosnia and Herzegovina held local elections in Mostar for the first time in 12 years, and opposition candidates managed to win against incumbents in Sarajevo and Banja Luka². Improvements to the electoral process contributed to the higher democracy score of North Macedonia.³ In Albania, shrinking spaces for civil society and activism and the continued deterioration of media independence were the main factors of its democratic score decline⁴. Kosovo's unstable government and powerplays in 2020 contributed to its decreased score⁵, while the local governance and the takeover of Budva were the main culprit of democratic deterioration in Montenegro⁶. In Serbia, the continued centralization of power by President Vucic and a lack of choice during the elections contributed to democratic decline⁷.

Democratic development goes hand in hand with the rule of law. An independent judiciary is the backbone of a system where rules typically apply to all. This then sets out a conviction that given similar socio-economic backgrounds, individuals have relatively equal chances of navigating through social life – in

work and education, in pursuing political and economic goals.

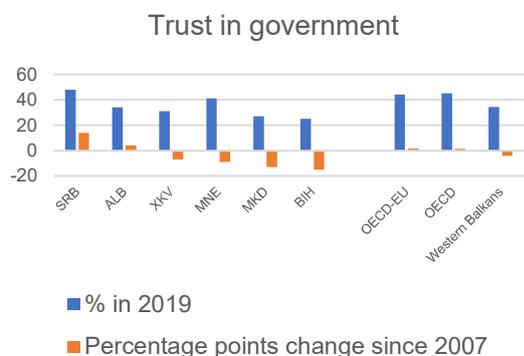


However, the countries of the Western Balkans struggle with judicial independence. According to the World Justice Project's rule of law index, there was no observed improvement for the region in 2020, and rule of law in the countries is either stagnating or deteriorating. This contributes to a growing perception of unequal treatment in society and diminishes trust in institutions. Amidst widespread corruption, biased institutional responses to rule-breaking, and impunity, people feel that institutions do not

¹ Nations in Transit 2021. The Antidemocratic Turn.
² Nations in Transit 2021. Bosnia and Herzegovina Country Report.
³ Nations in Transit 2021. North Macedonia Country Report.

⁴ Nations in Transit 2021. Albania Country Report.
⁵ Nations in Transit 2021. Kosovo Country Report.
⁶ Nations in Transit 2021. Montenegro Country Report.
⁷ Nations in Transit 2021. Serbia Country Reports.

work in their interest. People in the Western Balkans (excluding Serbia) have significantly less trust in institutions than the OECD average.⁸



Source: Gallup World Poll 2019 and 2007

Distrustful citizens will find other avenues to get things done, and this typically means they must rely on brokers in political parties to receive public services. Regardless of whether citizens trust institutions or not, they have needs and expectations and must try to navigate in society. This dependency sets off a spiral where distrust feeds such actors, who gain political or economic capital while avoiding the rule of law, infringe on institutions and contribute to another wave of civic distrust. This systemic deficiency has increased support to a style of leadership characterized by political strongmen who can get things done regardless of necessary democratic due process⁹. Citizens look to political leaders who promise quick results and seemingly deliver, viewing democratic and judicial developments as too slow. Paradoxically, though, 59% of those supporting strong leaders support democracy as well¹⁰. However, while a semblance of democratic institutions is preserved, these strongmen do not leave room for dissent in their political and business interests.

While the EU accession process and promises provided offered meaningful resources to institutions and citizens for necessary

democratic reforms, there have been some unintended consequences. National leaders have exploited the process to gain domestic legitimacy by presenting themselves as being in favor of the most important international partners, such as the EU and the US¹¹. Furthermore, some of them utilize external EU conditionality to adopt suitable reforms and legislation in fast procedures, citing external EU conditionality, effectively bypassing internal accountability and deliberation¹².

Placing Civil Society in Context

Civil society organizations (CSOs) are necessary to support the democratization process. In each of the WB countries, it is a repository of knowledge and values employed in numerous projects which support democracy by developing civic capacities, education, and raising awareness. However, the environment where civil society operates is complex. On the one hand, CSOs need to provide constructive criticism, mobilize pressure, and provide oversight to national and local governments. On the other, they need to advise and facilitate institutional development. Ideally, it is a balancing act between CSOs with different mission statements ranging from grassroots and watchdogs to professional associations, capacity builders, and think tanks. The success rate is greater when there is deliberate thematic coordination and strategic intervention in these two broader types of action – confrontation and cooperation.

Both support and criticism are necessary in reaching long term goals of democratization. In terms of rules and resources, weak institutions need to be supported to reach a desired proficiency and integrity, capable of moving the country forward. CSOs have for a long time contributed to this endeavor, with their knowledge and expertise supporting projects

⁸ OECD 2020. Government at a Glance: Western Balkans. 9.1 Trust in government. OECD Publishing, Paris.

⁹ Miran Lavrič & Florian Bieber (2021) *Shifts in Support for Authoritarianism and Democracy in the Western Balkans*, Problems of Post-Communism, 68:1, 17-26, DOI: 10.1080/10758216.2020.1757468

¹⁰ Ibid

¹¹ Solveig Richter & Natasha Wunsch (2020) *Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans*, Journal of European Public Policy, 27:1, 41-62, DOI: 10.1080/13501763.2019.1578815

¹² Ibid

part of comprehensive foreign aid schemes. They advise and advocate for changes in key areas of rule of law, such as the judiciary, regulators, and independent bodies working to protect human rights. CSOs have increased the transparency and accountability of these institutions while also assisting in capacity building.

However, such institutional growth is fragile and can quickly revert or dissipate, as shown by the Nations in Transit results. Consistent public pressure can ensure longer sustainability of changes by providing support to change-makers within institutions and carving space for reforms. But to organize and mobilize pressure, CSOs need public trust. However, distrust in institutions often extends to civil society actors. Such a state of play derives from a combined lack of knowledge and organized anti-CSO campaigns. This is a debilitating factor, so CSOs focus more on organizing pressure rather than mobilizing—performing monitoring and watchdog roles so as to build assessments, casefiles, and inform the public. CSOs act nationally, but also regionally with several successful networks working in the area of corruption, public procurement, and transparency^{13 14}.

Another debilitating consequence of the distrust in governance is a shared sense of futility toward any possible action. The mounting information about malpractice, failed expectations, and the experience of impunity continuously creates an image that nothing can be done, and that resistance and civic activism are a waste of time.

Therefore, the first issue is how civil society can motivate organized civic pressure that builds upon the work of watchdogs and grassroots organizations in areas such as anti-corruption and human rights promotion. The path to improvement is to secure small but continuous victories on issues that pertain citizens'

everyday lives – i.e. defending rights for healthy environment. The goal is to demonstrate that something can be done, and that there is a purpose in supporting fellow citizens. This will increase the critical mass and extend relationships between CSOs and citizens. But these victories, whether on middle or high-profile anti-corruption cases or reversing bad decisions, must involve battles in the courtroom and exert pressure to favor impartial, transparent justice. These victories will be hollow if culprits escape justice yet again.

CSOs in all Western Balkan countries have well-documented cases or issues waiting to be put into such action. In early stages, they should focus on easily won cases before slowly moving toward more ambitious goals, as they build critical mass within critical institutions, most notably in prosecution and magistrates. Efforts should focus both on strategic litigation and mounting pressure for impartial adjudication.

Second, civil society that contributes to institutional development can inevitably facilitate this process by promoting change-makers within the institutions and building their social capital. The CSO infrastructure is much more developed on this side of the aisle with numerous capacity building projects where experts from civil society collaborate with institutions to identify and work on points of improvement. The challenge is that cooperation and pressure are not usually systematically coordinated, so the investment in capacity building is not sufficiently transformed into efficiency and integrity of the institutions. The benefits are short-lived. CSOs are frequently tokenized, and changes are dependent on ministers, mayors and directors, which can easily be rotated to another department.

Strategic coordination can overcome these limitations and provide better opportunities for citizens to start winning, through the work of civil society. This is a necessary step to surpass

¹³ These include: ACTION SEE, Balkan Tender Watch, SELDI and WEBER.

¹⁴ CSOs also monitor their own environment and reflect on issues of internal capacity, sustainability and

relationship with respective states – see the work of BCSDN.

the support given to strongmen and the reliance on informal channels to get things done. From time to time, the work of civil society in awareness-raising either by direct work with citizens or through cooperation with the media can tip the scales against entrenched corrupt leaders, leading people to organize and vote for the opposition. North Macedonia in 2017, and Montenegro and Kosovo in 2020 and 2021 are the latest examples of this. But the hurdle is to organize civil society in a way that can sustain these opportunities for change and prevent a repetition of failed promises. This is when the international community must support these pathways to securing sustainable change rather than focus primarily on building the capacity of the new incumbents.

Summary and Reflection

Civil society in the Western Balkans is diverse, with organizations working as think tanks, watchdogs, facilitators and capacity builders, as well as grassroots organizers. However, these organizations operate in a declining democratic environment, with institutions more often than not led by political strongmen than rules, checks, and balances. The declining trust in institutions means that an increasing number of citizens do not think they represent the public interest, nor that anything can be improved. In such a situation, civil society can be limited by the declining agency of the populace and often works more to prevent further deterioration than to improve the work of institutions and democratic governance. Improvements are incremental and often barely visible to the average citizen.

However, civil society can utilize both pressure and cooperation with institutions to induce positive change and improve governance. To do this, CSOs must employ strategic coordination and work together to deliberately create an environment where they create civic demand for particular changes and provide counsel to institutions on how to reform. These are not new roles of CSOs, but they often still lack

synchronization, joint advocacy, and the mobilization of support.

More concretely, to bring back trust in institutions as a requisite for democratization, CSOs and citizens must start winning together against entrenched, corrupt actors especially in areas that have visible effects on everyday life. Victories in favor of the environment should be the priority, and civil society must win in the courtroom, with strategic litigation and organized demand for quality in adjudication. In this way, citizens will start feeling more optimistic about the potential for progress, and this regained trust will have a snowball effect for victories in other areas.

However, this is easier said than done. Several questions arise when reflecting about these expectations.

Are CSOs capable to achieve this level of strategic coordination?

How sustainable are CSOs to enter into these courses of actions without donors also realigning?

Can CSOs initiate the mobilization necessary to develop enough pressure to incentivize change by decision makers? How can CSOs improve their relations with constituencies to initiate the first wave of mobilizations? Can civil society mobilize critical mass without illustrating how strongmen and informal channels are not compatible with democratic progress?