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Environmental democracy in the Western Balkans between dependent capitalism and integration into the European Union

Policy Recommendations

1. The active consultation and participation of civil society organisations in the preparation and monitoring of the implementation of plans and strategies regarding all sectors of energy, environment, and transport in the Western Balkan countries should be supported. In addition, the exchange of experiences between the Western Balkan countries on these tasks should be organised.
2. The role of academic and research institutions in the decision-making process for the elaboration and implementation of public policies in the environment sector in the Western Balkans should be strengthened, and academic research on regional cooperation should be promoted.
3. The synergies between the two macro-regional strategies of the European Union (EU Strategy for the Adriatic and Ionian Region, EU Strategy for the Danube Region) in the area of environment should be reinforced. Regional cross-border cooperation in the environment via instruments of pre-accession programmes and projects should be strengthened, as should the role of international donors.

Abstract

Environmental issues in the Western Balkans are at the centre of civic mobilisation against the negative effects of various types of pollution. In addition, during the post-socialist period, a dependent capitalism has emerged in the Western Balkan countries, particularly as a result of increased dependence on foreign investments and international aid. In this context, this Policy Brief analyses the economic development and consequences

of dependent capitalism on the environment. It also points out how the process of European integration impacts environmental issues as well as the role of local actors. The significant increase in civil society actors in the field of the environment has created a new situation in recent years. In this sense, this Policy Brief questions the concept of environmental democracy in the Western Balkans.



Environmental democracy in the Western Balkans between dependent capitalism and integration into the European Union

Introduction

The concept of “environmental and ecological democracy”¹ has been developed over the last three decades through extensive literature.² The environmental democracy index is based on several composite indicators with a clear distinction between three pillars: first, free access to information on environmental problems and quality; second, participation in decision-making; and third, enforcement of environmental laws. These indicators can be considered fundamental rights for citizens. They are also based on the possible impacts of citizens on decision-making processes and public policies. The contribution of civil society organisations to the Green Agenda in the Western Balkans as part of the accession process has been highlighted by the European Union (EU) and embedded in several declarations.³ Is it therefore possible to speak of an “environmental democracy” in the Western Balkans? What are the consequences of dependent capitalism on the environment in the Western Balkans? How does the enlargement process affect the consideration of environmental issues in public policies?

The energy sector and its consequences for the environment

The energy sector in the Western Balkans is still characterised by insufficient and obsolete infrastructure, high dependence on fossil fuels,⁴ late adoption of renewables except for residential biomass and hydropower, limited energy efficiency, high rates of energy poverty despite generally high levels of subsidies, limited market mechanisms, and private sector participation. The region is therefore facing a unique double transition: first, moving from centralised state-controlled systems to open and competitive markets, and second, moving towards decarbonisation. These are at the same time the most important pillars of the Economic and Investment Plan for the

- 1 Walter F. BABERAND, Robert V. BARTLETT, *Deliberative Environmental Politics - Democracy & Ecological Rationality*, Cambridge MA: The MIT Press, 2005, 276 pp.
- 2 Jonathan PICKERING, Karin BACKSTRAND, David SHLOSBERG, *Between environmental end ecological democracy: theory and practice at the democracy-environment nexus*, *Journal and Environmental Policy and Planning*, Vol. 22, 2020, Issue 1, <https://www.tandfonline.com/doi/full/10.1080/1523908X.2020.1703276>.
- 3 See: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/contribution-civil-society-green-agenda-and-sustainable-development-western-balkans-part-eu-accession-process-own/related-links-rex-528>.
- 4 See: <https://documents1.worldbank.org/curated/en/201391544823541838/pdf/Western-Balkans-Energy-Directions-Paper.pdf>.



Western Balkans (EIP)⁵ of €9 billion announced by the European Union for the period 2021-2027 that are in line with the Green Agenda.

The region is facing a unique double transition: first, moving from centralised state-controlled systems to open and competitive markets, and second, moving towards decarbonisation.

Environmental problems are linked to dilapidated energy systems and the dependence on traditional energy sources (mainly coal). The high air pollution in some areas and the high water pollution are related to the energy heritage from the socialist period of the former Yugoslavia. Air pollution, particularly in urban and industrial zones, notably stemming from outdated coal-fired power plants, is also a major cross-border issue in the region. Also, drinking water supply and the discharge of wastewater are additional key concerns in the Western Balkans. At the same time, the region is rich in biodiversity, which needs to be protected, while sustainable management of water supply, wastewater, and waste disposal is crucial. In addition, poor waste management is linked to low investments in this sector and low municipal incomes.

The number of non-governmental organisations dealing with environmental issues has increased significantly in recent years.

In the recent period, Chinese investments in mines in Serbia and in steel have increased and impacted the environment.⁶ Civil society organisations at local level have reacted with proposals.⁷ In addition, the mini-hydropower plants in Serbia and Bosnia and Herzegovina have caused significant damage. The use of lignite also aggravates the pollution situation. Added to this are the investment projects of multinational companies, such as Rio Tinto in Serbia, which have provoked disputes and environmental conflicts. The Western Balkan region is therefore facing a unique double transition: moving from centralised state-controlled systems to open and competitive markets and decarbonisation. These are, at the same time, the most important pillars of the EIP that are in line with the Green Agenda.⁸ During the past decade, there has been an increase in awareness concerning environmental questions in the Western Balkans. The number of non-governmental organisations (NGOs) dealing with environmental issues has increased significantly in recent years. Therefore, the debates on energy, the question of increasing investment in renewable energies, and the manner in which such investments are to be made are relatively present. In this context, local governments have adopted national energy strategies that have the main goal of providing a secure energy supply and promoting compatible energy reforms in accordance with the Energy Community Treaty (ECT).⁹ In addition, a regional approach to planning energy sector investments is expected to decrease the overall investments needed to meet regional energy demand through increased energy trade. The transition from highly polluting coal to more sustainable and green sources of energy production is a

5 See: <https://www.wbif.eu/eip>.

6 Collective study, Unapredjenje upravljanja kontaminiranim lokalitetima u Srbiji, Institut za javno zdravlje Srbije, 2020.

7 See: <https://mibor.rs/projekti/b-o-r-za-zivotnu-sredinu/>.

8 See: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1811.

9 See: <http://www.energycommunity.org>.



key point for the region to meet its commitments under the Paris Agreement. The war in Ukraine since 2022 has also highlighted the energy question in the Western Balkans and the question of dependence on Russia. The transition from highly polluting coal to more sustainable and green sources of energy production will be key for the region to meet its commitments under the Paris Agreement. Future-proof gas pipelines supporting the low-carbon transition and transit of decarbonised gas and hydrogen will play a key role, as will performant electricity transmission lines and smart grids for increased use of renewable energy sources in line with the region's potential.

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Economic heritage and environmental issues: towards a dependent capitalism?

Since the Second World War and up to the present day, changes in production and consumption patterns have had an impact on the environment¹⁰ in the Western Balkans and evolved according to the phases of economic development. Insofar as a "social market economy" was in place, production followed the logic of competition. The influences of agricultural production were also felt on air quality, ecosystems, and waste. Energy consumption and production also had a negative influence on air quality and gas emissions. In addition, individual and collective mobility, and the development of transport during the period from 1952 to 1990 had a negative influence on air quality and gas emissions. During this period, the self-management system in which there was a logic of competition relied on an intensive use of labour with productivity gains. This had negative effects on the environment. From the 1990s to the present day, rail transport has been reduced considerably because of wars and a lack of investment. Thus, road transport has become the main mode of transport between cities, thus contributing to air pollution.

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The period of macro-economic stabilisation of the 1990s and the "blocked transition"¹¹ of the 2000s in the economic and political sphere have profoundly modified social stratification, with a minority of winners and a mass of losers. This period is also characterised by a loss of values and a profound change in beliefs. In this context of crisis and conflict, the informal economy and trafficking have become the norm. After a decade of wars in the 1990s and for more than two decades, economic reforms have been introduced in rapid waves and slowdowns, which is characteristic of a shock

10 Zoran OSTRIĆ, Ekološki pokreti u Jugoslaviji - građa za proučavanje razdoblja 1971-1991, Socijalna ekologija, No. 1, January-March 1992, pp.27-30.

11 The concept of "Blocked transition" is used by Mladen Lazic, Professor of Sociology at the University of Belgrade in: Mirjana MOROKVASIC, Nebojsa VUKADINOVIC (dir.), Sortir de la transition bloquée: Serbie-Monténégro, Revue d'études comparatives Est-Ouest, Vol. 35, 2004.



therapy transition followed by a “stop and go” period. The priority is placed on rapid privatisations and the closure of many unprofitable companies as well as banks. Since two decades, the focus has been on foreign direct investment (FDI), which has not arrived at the expected level. Since the beginning of 2000, a neo-liberal economic model has been put in place in all Western Balkan countries, which has become a constant in the formation of capitalism¹² in the region. In this context, the question of the role of state authorities and regulations is crucial. For more than two decades, the priority for most of the Western Balkan states has been focused on economic and legislative reforms. Economic reforms have also been carried out without any real reflection on the consequences of each sequence of reforms on other sequences. For example, privatisations have been carried out rapidly in some cases since 2001, sometimes without corporate restructuring and without debates on which sequence should be done first (for example, privatisation of banks or privatisation of companies or at the same time). Moreover, financial system reforms have been slower than privatisations of companies. In this context, there have been in many privatisations for the benefit of the old elites from the 1990s. Environmental issues became priorities recently in comparison with reforms in other sectors.

Environmental issues and civil society in the Western Balkans

Since the 1990s, following pressure from environmental movements, the question of the consequences of productivity on the environment has led to economic studies that take environmental issues into account. Among these, the “Michael Porter Hypothesis” places the environment at the service of productivity and competitiveness.¹³ Here, regulations and standards are central because they push companies to transform their production methods. Michael Porter’s hypothesis is thus based on performance and profits from changes in production methods. Even if, according to this assumption, the winners are on both sides – environment and companies – in the end, there are all the same “winners and losers”.

In most of the Western Balkan countries, during the period 1960-1991, the legal framework and public policies related to the environment followed the evolution of Yugoslav socialism. In that period, the environmental activism of the “Gorani movement”¹⁴ was organised as a youth organisation similar to the organisation of the youth socialist organisation. The ideological dimension was therefore present in the law and in youth organisations. Since 1991 and until nowadays, many legislations have been adopted in all post-Yugoslav countries, with a lack of participation of NGOs and the academic sector in the preparation, definition, and implementation of the legislative framework in all Western Balkan countries.

A dependent capitalism has emerged in the Western Balkans, particularly as a result of increased dependence on foreign investments.

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- 12 Bruno AMABLE, Les cinq capitalismes. Diversité des systèmes économiques et sociaux dans la mondialisation, Paris, Editions du Seuil, 2005, p. 378.
 - 13 Olivier BOIRAL, Concilier environnement et compétitivité, ou la quête de l'éco-efficience, Revue française de gestion 2005 / 5 (No. 158), pp. 163-186.
 - 14 Nebojsa VUKADINOVIC, Géoculture de l'environnement en Serbie (The Geo-Culture of the Environment in Serbia), Balkanologie, Vol. 16, No. 2, 2021, <https://journals.openedition.org/balkanologie/3618>.



Chinese investment, as well as those from Gulf countries, Turkey, and the arrival of some multinational companies, have created a new situation. A dependent capitalism has emerged in the Western Balkans, particularly as a result of increased dependence on foreign investments. China invests in Serbia and Bosnia and Herzegovina in the energy sector. While, for example, coal provides cheap energy, buildings are outdated and pollute the environment. Moreover, the lithium mining projects in Serbia by the Anglo-Australian multinational company Rio Tinto have been followed by the actions of local NGOs against these projects and have seen the emergence of environmental conflicts, which have led to changes in the positions of local governments. In this context, environmental issues in Western Balkan countries have thus become topical, particularly in recent years, with a significant increase in the number of NGOs active in this sector. Only in recent years, with the important development of the NGO sector dealing with environmental issues, has the situation started to change. In addition, environmental conflicts in recent years, as local levels have mainly focused on small hydroelectric plants, have highlighted the relationship between environmental damages and corruption. The Rio Tinto project for lithium exploration in Serbia revealed “pressures on the government”¹⁵ and was the occasion of important manifestations against the project in autumn and winter 2021. Faced with mass demonstrations, the government decided to back down on this project. Following the three-pillar approach of environmental democracy, this event demonstrated that environmental activism has led to changes in governmental positions through information, participation, and enforcement. Environmental democracy is also reflected in the whole public policy cycle, namely in agenda setting, policy formulation, decision-making, implementation, and evaluation. The role of civil society organisations in the environmental sector has been taken into account in the programming, implementation, and evaluation of the EU Instrument for Pre-accession Assistance (IPA) funds and the current IPA III framework (2021-2027)¹⁶ with impacts on the public policy cycle in the Western Balkan countries. Even if official strategic documents have been prepared and adopted by Western Balkan countries, environmental issues are at the centre of civic mobilisation against the negative effects of various types of pollution.

Environmental democracy is also reflected in the whole public policy cycle, namely in agenda setting, policy formulation, decision-making, implementation, and evaluation.

The Western Balkans in the global economy and environment

The experience of the reintegration of Western Balkan countries in the global economy after the period of conflicts and the process of EU enlargement since the beginning of the 2000s shows that the enlargement process has a positive impact on the flow of FDI. All Eastern European countries have registered a significant increase in FDI. Nowadays, the situation is similar in the Western Balkan countries.

15 Sasa DRAGOJLO, Ivica MLADENOVIC, Serbia’s lithium is Rio Tinto’s perfect project, *Le Monde diplomatique*, November 2022, <https://mondediplo.com/2022/11/10serbia>.

16 Concerning IPA III Framework Window 3 (Green Agenda and Sustainable connectivity), pp. 36-44, https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-01/C_2021_8914_F1_ANNEX_EN_V5_P1_1462290.PDF.



In 2019, before the COVID-19 pandemic, the Western Balkan countries saw an increase in FDI. This contrasted with the trends of declining FDI both globally and in the wider Central, Eastern Europe and South Eastern Europe (CESEE) region. Western Balkan countries have been gradually converging on the EU. However, due to different reasons, including transitional issues, macroeconomic factors, and internal and external shocks, the real convergence of the Western Balkan region to the EU average is relatively slow. Macroeconomic stabilisation programmes, in place for many years, have produced conditions for the development of the private sector and the attraction of FDI. Nominal convergence usually provides a stable macroeconomic environment as a favourable floor for real convergence. In this context, EU enlargement has provided a positive framework for macroeconomic stability. Despite improvements in relation to previous years, positive trends in FDI flows, economic stability, estimated growth rates and economic benefits of EU accession at the country level, and good macroeconomic indicators, the region continues to suffer from chronic problems, such as continued high levels of unemployment, resistance in the implementation of reforms, a lack of regional economic plans, and a lack of internal investment policies.

EU enlargement has provided a positive framework for macroeconomic stability.

The enlargement of the European Union and environmental issues

In the case of Western Balkan countries, the introduction of European regulations and standards has been topical in recent years. The EU enlargement process has also made it possible to highlight environmental issues through reforms in connection with the negotiations of the chapters of the *acquis communautaire* and the announcement of the Green Deal for the Western Balkans. The EU is therefore presenting a “Green Agenda for the Western Balkans”.¹⁷ This agenda is formed by five broad areas covered by the “European Green Deal”: decarbonisation, depollution of air, water, and soil, circular economy, farming and food production, and protecting biodiversity. The region is committed to achieving carbon neutrality by 2050, aligning with key elements of the European Green Deal, and implementing the Action Plan on the Western Balkans. The Regional Cooperation Council (RCC) has coordinated work on the preparation of the Declaration and Action Plan on the Green Agenda for the Western Balkans (GAWB). The European Green Deal is reinforced by policies designed to develop modern, resource-efficient, and competitive economies where growth is dissociated from greenhouse gas emissions, resource use, and waste generation and where climate resilience is pursued. The GAWB sets out relevant actions and recommendations, including alignment with EU “green” standards. The European Commission suggested a number of investment flagships,¹⁸ such as flagship 4: renewable energy; flagship 5: transition from coal (closely connected with Pillar 2 of the EUSAIR¹⁹); flagship 6: renovation wave; and flagship 7: waste and waste-water management. In this context, EU actions in the Western Balkans region are expected to have a strong

17 See: https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/green_agenda_for_the_western_balkans_en.pdf.

18 See: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/EIP-WB-GG-Dec%202022%20%28V6%29.pdf>.

19 EUSAIR: European Union Strategy for the Adriatic and Ionian Region



impact on environmental protection, citizens' health, and tourism in the region. Climate change is also receiving progressively more attention in the region due to the involvement of civil society organisations.

The European Green Deal is reinforced by policies designed to develop modern, resource-efficient, and competitive economies where growth is dissociated from greenhouse gas emissions, resource use, and waste generation and where climate resilience is pursued.

The severe weather and devastating floods that hit Bosnia and Herzegovina and Serbia in May 2014 reaffirmed the vulnerability of the region to extreme weather events and their higher frequency and intensity due to climate change. The situation has also been critical, with floods in May 2023. Concerning the vulnerability to climate change, the International Union for Conservation of Nature (IUCN) and the International Panel on Climate Change (IPCC) identified the Western Balkans as one of the most vulnerable areas to climate change in Europe.²⁰ The Western Balkan Investment Framework (WBIF)²¹ provides substantial support for a variety of environmental projects, accounting for nearly 15% of the total WBIF portfolio. The environment has benefited from 94 grants of €149.7 million for 59 projects with an estimated value of €2.8 billion. Priority areas are water and wastewater, flood protection, solid waste, water resource conservation, and river basin management.²² The waste and wastewater management projects are compliant with the EIP, namely with flagship 7.

The COVID-19 pandemic in 2020 - 2022 had massive disruptive effects on the Western Balkan countries in terms of economic convergence with the EU, facing the ongoing challenges of low competitiveness, high unemployment, and a significant brain drain. The need to intensify joint efforts by implementing structural reforms, overcoming structural weaknesses, strengthening innovation potential, and accelerating the green and digital transitions - also in view of their future in the EU - is more pressing. Therefore, in October 2020, the European Commission adopted a comprehensive EIP that aims to spur a long-term recovery backed by a green and digital transition, leading to sustained economic growth, the implementation of reforms required to move forward on the EU path, and bringing the Western Balkans closer to the EU Single Market. Alongside the EIP to support the region, the European Commission presented guidelines for the implementation of the GAWB. Indeed, it foresees activities based on the following 5 pillars: (1) climate action, including decarbonisation, energy, and mobility; (2) circular economy, addressing in particular waste, recycling, sustainable production, and efficient use of resources; (3) biodiversity, aiming to protect and restore the natural wealth of the region; (4) fighting pollution of air, water, and soil; and (5) sustainable food systems and rural areas.

Digitalisation will be the key to achieving the above five pillars, in line with the concept of the dual green and digital transition. This should help make the region more attractive for investment and tourism and unlock the significant economic potential of a green economy. The success of the GAWB depends on the commitment

20 See: <https://www.iucn.org/news/eastern-europe-and-central-asia/202008/water-our-ally-adapting-climate-change-western-balkans>.

21 See: https://www.wbif.eu/storage/app/media/Library/11.Funding/WBIF%20Guide_Update_March2020.pdf.

22 WBIF Monitoring Report, May 2021.



of all actors: the EU, international financial institutions, bilateral donors, international organisations, and beneficiaries. Considerable efforts are needed from all partners to coordinate activities, plan and implement this agenda in a way that enhances the complementarity and synergies of all actions implemented so far by each beneficiary. The GAWB sets strategic objectives towards a clean transport system that is fit for a green and digital future, with sustainable mobility and a green infrastructure as essential elements.²³ In Serbia, the Ministry in charge of energy has started preparing the new Energy Development Strategy covering the period until 2050 but has also presented the preliminary goals for the National Energy and Climate Plans (NECP). In addition, a strategic environmental impact assessment procedure in EU and Western Balkans countries for the Interreg IPA Cross-border Cooperation (CBC) has been initiated in 2021 for the period 2021-2027. Environmental issues are also present in the EU Strategy for the Adriatic and Ionian Region (EUSAIR),²⁴ more specifically under Pillar 3 and within the Danube Strategy (EUSDR).²⁵ These two macro-regional strategies provide a good opportunity for regional cooperation between Western Balkan countries and EU member states. Inter-pillar projects have been developed within EUSAIR to promote common projects in the environment and transport, but more synergies between the two macro-regional strategies could be developed.

However, without a clear calendar for EU integration of the Western Balkan countries, economic dependence from non-EU international actors can continue with the reinforcement of dependent capitalism and its negative effects on the environment.

The process of European integration also impacts environmental issues in the Western Balkans through European projects and the negotiation of the *acquis communautaire*. It is also a lever for the definition of public policies and local governments. In this sense, the process of European integration contributes to environmental democracy. In the case of Serbia, the national budget for environment and climate action was increased by 50% in 2022 compared to 2021. The European Commission Progress Report 2022 indicates: "Serbia finances new environmental programmes such as for the replacement of heating equipment, afforestation and the purchase of electric and hybrid vehicles. All income generated from environmental fees should be earmarked for environmental purposes. Although Serbia is substantially increasing investments into environmental protection, it still lacks an effective institutional set-up."²⁶ Even if this country "has a high level of alignment with the EU *acquis* but implementation and enforcement need to be further improved, in particular by strengthening administrative capacity at central and local level, including at inspectorates and judiciary. Legislation on environmental impact assessment (EIA) and strategic environmental assessment".²⁷ The question of administrative capacity and implementation of strategic documents and legislation is also an issue in Montenegro. Concerning Chapter 27, the Progress Report of the European Commission for the year 2022 indicates: "Montenegro has

23 Strategy for Sustainable and Smart Mobility in the Western Balkans, July 2021.

24 See: <https://www.aii-ps.org/eusair>.

25 See: <https://danube-region.eu/about/>.

26 Progress Report of the European Commission on Serbia 2022, 12 October 2022 p. 122, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf>.

27 Ibid.



some level of preparation in this area. Limited progress was made in further aligning with the EU acquis, on water, nature protection and climate change. Significant efforts are still needed on implementation and enforcement, in particular on waste management, water quality, nature protection and climate change. Montenegro should considerably step up its ambitions towards a green transition.²⁸ The question of implementation and enforcement is highlighted for the European Commission by the two most advanced countries of the region in negotiations of the *acquis communautaire*. The strengthening of the institutional framework and capacity for enforcement of environmental and climate change legislation remains an issue. The need for strengthening institutional frameworks and capacity for enforcement is also an issue in other Western Balkan countries. In this context, the role of civil society organisations dealing with the environment sector is crucial. However, without a clear calendar for EU integration of the Western Balkan countries, economic dependence from non-EU international actors can continue with the reinforcement of dependent capitalism and its negative effects on the environment.

The French perspective on EU enlargement and the environment in the Western Balkans

The EU integration of Western Balkan countries was not present in the French media during the last decade. The war in Ukraine has changed the situation, but the Western Balkans are still not the focus of public debate. The engagement of several French think-tanks²⁹ focusing on the Western Balkans since 2019 has highlighted the question of the future of this region. At the state level, France hosted the Berlin Process Conference in 2016. In addition, France hosted the Berlin Process Conference. In 2020, France also lifted its reservations about the opening of accession negotiations with Albania and North Macedonia. The new methodology for EU accession, supported by France, was another occasion to show the strategic interest in the EU integration of the Western Balkans. The new methodology was adopted by the Council in its conclusions of 25 March 2020. It proposes “grouping the negotiation chapters into six thematic groups” or “clusters”, which amounts to classifying the 35 chapters of the *acquis communautaire* in six categories for more readability: fundamentals; indoor market; competitiveness and inclusive growth; environmental programme and sustainable connectivity; resources; agriculture and cohesion; foreign relations. During the French Presidency of the European Union in 2022, this commitment was reaffirmed. The same year, the French institute for international relations (ifri)³⁰ organised a conference dedicated to the Western Balkans, followed by a publication.³¹ A programme dedicated to higher education, ES-Balk,³² has also been launched, with selected pro-

28 Progress Report of the European Commission on Montenegro 2022, 12 October 2022, p.112, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>.

29 EuropaNova, Institut Delors, Eurocreative, Fondation Jean Jaurès.

30 ifri (institut français des relations internationales), <https://www.ifri.org/fr/mots-cles-geographique/balkans>.

31 Marciaq Florent MARCIAQ (dir.), *Balkans: un nouveau Grand Jeu? Politique étrangère*, Vol. 87, No. 4, hiver 2022.

32 See: <https://www.france-education-international.fr/document/aapes-balkvf>.



jects focusing on linkages between research and higher education. Many other cooperations are ongoing in several sectors.

The war in Ukraine has changed the situation, but the Western Balkans are still not the focus of public debate.

In 2018, the mandate of the AFD (French Development Agency)³³ was extended to the Western Balkans. Environmental issues in the Western Balkans are presented as priorities in some actions of the AFD.³⁴ As an example, the AFD and the European Bank for Reconstruction and Development (EBRD) are supporting Serbia in improving solid waste management infrastructure.³⁵ The AFD is also present in Serbia and Albania in the water management sector. In addition, the AFD has launched a programme to support civil society organisations. In Serbia, the French initiative "Ekoopstina"³⁶ is focusing on environmental issues at the local, regional, and central levels. The initiative is targets also civil society organisations and is complementary to AFD actions in this sector.

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33 Agence Française de Développement

34 See: <https://www.afd.fr/fr/page-region-pays/balkans-occidentaux>.

35 Ibid.

36 See: <https://ekoopstina.com/>.



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ÖGfE Policy Brief 13 2023



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Civil society: a driver for democratisation from below in Serbia

Policy Recommendations

1. It is necessary to create mechanisms for better informing and educating citizens on the importance and power of civic activism and to encourage them to believe that change is indeed possible. That could be done, for instance, by exchanging best-practise examples of active advocacy that have produced results.
2. The concept of citizens' assemblies and other forms of deliberative democracy like deliberative polls and citizen juries should be further developed and adapted to the situation and problems in Serbia.
3. It is important that civil society organisations actively work on the internal and external development of existing capacities as well as the creation of new ones to assist marginalised groups, especially at the local level.

Abstract

This Policy Brief explores the concept of “democratisation from below” as a bottom-up approach to democracy, emphasising the active role of citizens and civil society organisations in promoting and sustaining democratic values. It highlights the various ways in which civil society organisations contribute to this process. The benefits of democratisation from below are increased citizen engagement, improved governance, more inclusive decision-making, and a stronger civil society.

This Policy Brief also provides specific examples from Serbia, showcasing the power of individual actions and initiatives to bring about positive change. It discusses how citizen education plays

a vital role in mobilising support for grassroots movements, as demonstrated by the successful campaign against lithium mining. Furthermore, it presents cases where individuals have used bottom-up democratic approaches to influence legislation, such as the “Marija’s Law” and “Tijana’s Law” initiatives. The Policy Brief concludes by highlighting the importance of citizen assemblies and the role of civil society organisations in empowering marginalised groups.

Overall, this Policy Brief emphasises the significance of citizen participation, education, and civil society engagement in promoting democracy and achieving social change.



Civil society: a driver for democratisation from below in Serbia

Introduction

The concept of “democratisation from below” refers to a bottom-up approach to democratisation where citizens take an active role in promoting democracy rather than relying on leaders or elites to impose it from the top down. This process typically involves grassroots movements and civil society organisations that seek to empower marginalised communities and hold political entities accountable.

Civil society organisations provide a platform for citizens to voice their opinions, demands, and grievances. These organisations, including non-governmental organisations, advocacy groups, and community-based organisations, can serve as intermediaries between the state and citizens and provide opportunities for people to participate in decision-making processes.

Some of the ways that civil society organisations can contribute to democratisation from below include:

- Education: Civil society organisations can educate citizens about their rights and responsibilities as democratic citizens and help them understand political processes.
- Advocating for change: These organisations can push for reforms by highlighting issues such as corruption, human rights abuses, and the unequal distribution of resources.
- Mobilisation: They can motivate citizens to participate in democratic processes, such as elections, protests, and demonstrations.
- Providing a voice for marginalised groups: Civil society organisations can ensure that marginalised groups are included in the democratic process and their voices are heard.

There are many benefits to this approach, such as:

- Increased citizen engagement: Democratisation from below empowers citizens to participate in the political process. It encourages individuals to be informed, voice their opinions, and take part in decision-making. This leads to a more active and engaged citizenry, fostering a sense of ownership over democratic processes.
- Improved governance: By holding leaders accountable and promoting transparency, democratisation from below can lead to better governance and reduced corruption. When citizens are actively involved and demand accountability, it creates pressure for better governance and more responsible actions from political entities.



- More inclusive decision-making: Bottom-up democratisation processes can ensure that marginalised groups are included in the political process. By empowering these groups and providing them with a platform to express their concerns and interests, it helps to address systemic inequalities and promote equal representation and participation.
- Stronger civil society: Democratisation from below strengthens civil society organisations, such as non-governmental organisations, advocacy groups, and community-based organisations. These organisations play a crucial role in promoting democratic values, protecting human rights, and advocating for social change. A vibrant and active civil society is essential for the functioning of democracy as it provides checks and balances against power.

In Serbia, civil society actors are responsible for all these benefits, usually throughout the various different projects they are implementing, and there are many examples of good practise. Whether it is an initiative undertaken to modify specific sections or articles of laws or even entire legal frameworks, as exemplified by Tijana's and Marija's Laws, or a citizen-driven endeavour like the "Kreni-Promeni" movement aimed at averting lithium mining in Serbia. This can be explored through each of the functions of civil society previously mentioned.

Citizen education: a first step towards achieving positive change

If the main purpose of civil society is to keep the government honest, its fundamental function is to keep citizens informed about the processes that they themselves don't have time or expertise to follow. This kind of interaction with the public has the lowest levels of citizen engagement, where they are mostly passive recipients of information, but on the other hand, it has the biggest reach.

For grassroots movements to have any success in mobilising enough support for their cause, the first step is to inform and educate citizens on the issues they are trying to address. This is especially important when the subject is highly complex and technical, so even if citizens wanted to engage, they were reliant on activists to help them better understand the problem. One such problem in Serbia is lithium mining, an industry highly harmful to the environment. Recognising the threat to the environment, a citizen initiative called "Kreni-promeni" ("Go-change") started a public campaign, spreading information about the harmful nature of mining practises.

For grassroots movements to have any success in mobilising enough support for their cause, the first step is to inform and educate citizens on the issues they are trying to address.

At the outset of the campaign, the movement initiated the publication of a petition calling for the cessation of the Jadar project in Serbia, while providing an elucidation of the detrimental ramifications of lithium mining on the environment in the vicinity. The impact of this mining extends not only to the region proximate to the river but also to the neighbouring country of Bosnia and Herzegovina, particularly affecting the Drina river area. Furthermore, it engenders air pollution and poses a significant threat to various forms of life. The treatment involving the use of aggressive acids results in the generation of toxic gases capable of dispersing across a radius exceeding ten kilometres, thereby causing erosion of the skin and respiratory afflictions in both humans and animals. Additionally, the proposed creation of 700 new jobs pales in



comparison to the 19,000 individuals reliant on agriculture who would be uprooted for the sake of mining operations.

The campaign had much more far-reaching consequences, as the petition was just preparation for the protest against the government. The most important consequence is that the government's U-turn came after weeks of protests against the Jadar project in the capital, Belgrade, and swathes of smaller towns across the country over the environmental and health impact of the project. But it is that first step of educating the citizens about the nature of the problem that is important here, as a large part of Serbia's population now understands why this issue is crucial, which was the necessary step towards mobilising enough support to organise successful demonstrations.

Changes are possible, even if you are just an individual

There are few examples of how an individual in Serbia can use "bottom-up" democratic approaches to fulfil its objectives and ambitions. Unfortunately, sometimes the background has been a tragedy that affected those individuals, who were ambitious and motivated to prevent them from occurring ever again. It started with Slobodan Jovanović, who drafted a law on stricter measures against paedophiles after a tragic event in his family. A law is commonly known as "Marija's Law" after his late daughter and was officially adopted by the National Parliament in 2013. The law foresees that the criminal offences of paedophilia and rape of minors cannot be statute-barred.

Unfortunately, sometimes the background has been a tragedy that affected those individuals, who were ambitious and motivated to prevent them from occurring ever again.

Unfortunately, the same horror happened to Igor Jurić, after which he founded the "Tijana Jurić Foundation", named after his late daughter. The desire of parents not to see this happen to another child, shortly after Tijana's tragic death, turned into an initiative to amend the Law on Police as part of the search for missing children. Less than a month later, in August 2014, professors of the Faculty of Law in Belgrade wrote a proposal to amend Article 72 of the Law on Police, which prescribes the search time for children and minors. In the same month, Tijana's father, Igor Jurić, officially submitted an initiative to change that article. Less than a year later, after peaceful protests in the cities and tens of thousands of printed banners and messages from citizens asking "Why was Tijana's law not adopted?" the members of the National Assembly of Serbia adopted the proposal to amend the law at the session held on 16 July 2015. The amended article was symbolically named "Tijana's Law".

Shortly before adopting the law, Igor Jurić founded the "Tijana Jurić Foundation". The foundation was established with the aim of improving children's safety through preventive action and education. In order to have a broader network and a bigger impact, the Foundation became part of the "Center for Missing and Exploited Children", with the goal of protecting and promoting children's rights and improving their safety and security. The centre is a regional initiative, with a branch office in Croatia, but it is planned to expand and open a branch in Bosnia and Herzegovina as well. This example clearly shows the potential spill over effects that activism can have.

There are many other initiatives that prove that people are using all legislative frameworks to make an impact in their society, like the initiative "Right to live Meri", which aims at establishing a Law on Ambulance in Serbia, or the initiative "Mame su zakon" (Eng. *Moms are Law*), which is also trying to address the issues in society by handing over draft laws to the National Parliament. These initiatives show how to use



all the tools you have to make an impact on society “from the bottom-up”. In addition to these initiatives by individuals (alone or through some organisation), which are addressing specific issues, there are examples in Serbia of how civil society organisations can have an impact on the benefit of marginalised groups, such as the Roma community, which will be explained later in the article.

Citizens decide: What are citizen assemblies?

Under the influence of various factors, a democratic deficit often occurs, such as voter apathy, limited access to information, media censorship (or concentration of media ownership), political corruption, economic inequality, and more. In Serbia, there has been a decline in parliamentary effectiveness and formal citizen participation. It has weakened democratic processes and hindered citizen engagement. This erosion could be a result of factors such as limited opposition influence, reduced transparency, or legislative changes that concentrate power in the executive branch.

In Serbia, there has been a decline in parliamentary effectiveness and formal citizen participation.

The ruling party in Serbia has become overwhelmingly dominant. It raised concerns about democratic pluralism and the balance of power. When a single party gains a significant majority, it can limit political competition, stifle dissent, and consolidate power. This concentration of power often leads to informal decision-making structures, where key decisions are made outside of formal institutions, potentially bypassing checks and balances and weakening democratic governance.

The ruling party in Serbia has become overwhelmingly dominant.

One of the ways to reduce this democratic deficit is through citizen assemblies. Robert Dahl defined “citizen assembly” as “an assembly of citizens, demographically representative of the larger population, brought together to learn and deliberate on a topic in order to inform public opinion and decision-making”.¹ The most common level at which these assemblies operate is municipal or local. However, it is common to see them organised at the regional and national levels of decision-making.

Citizen assemblies can be an effective mechanism for involving citizens in democratic processes. In order to test this model in Serbia, two such assemblies were organised in Belgrade and Valjevo, where urban solutions and policies to solve the problem of polluted air were discussed. By taking part, citizens gain the ability to contribute to the formulation of policy recommendations in the public interest through an open dialogue. Their goal is to rebuild faith in political institutions and processes.

Citizen assemblies can be an effective mechanism for involving citizens in democratic processes.

In this way, civil assemblies are actually bodies that aim to involve citizens in discussions on issues of public importance. In practise, this means that citizens get the opportunity to be well informed and to participate in discussions with other citizens, as well as with experts and decision-makers, in order to create a valuable solution to

1 Oliver Escobar and Stephen Elstub, “Forms of mini-publics”, New Democracy 2017, p. 3.



the problem that is being deliberated upon. They represent the citizens' reaction to the problem of modern democracies and democratic practises, in which they are not sufficiently involved in the process of formulating and making political decisions that affect their lives.

The advantages of such citizen involvement are the awakening of interest, their understanding of the problem, and a transparent and inclusive decision-making process.

Marginalised groups: the help of civil society organisations

There are plenty of good practise examples of how civil society organisations can have an impact on improving the position of marginalised groups in a society, and one example is the joint European Union and Council of Europe ROMACTED programme, whose methodology is specifically based on a "democratisation from below" approach connecting marginalised groups and decision-makers on the local level. Its main goal is to foster the political will and sustained policy engagement of local authorities to enhance democratic local governance, build up capacity, and stimulate the empowerment of local Roma communities to contribute to the design, implementation, and monitoring of plans and projects concerning them. ROMACTED is a response to the recognised need for a more systematic approach to promoting the processes of community change and the engagement of local stakeholders in constructive dialogue. The programme invests in a multi-annual process involving different stakeholders at the local level.²

ROMACTED is a response to the recognised need for a more systematic approach to promoting the processes of community change and the engagement of local stakeholders in constructive dialogue.

The key objectives of the programme include:

- Enhancing political determination and promoting local development: This will be accomplished by providing capacity-building support to local authorities, enabling them to effectively contribute to local plans and projects. Additionally, the programme seeks to encourage the active involvement of Roma citizens in these initiatives.
- Empowering Roma citizens: The programme aims to empower individuals within the Roma community by providing them with the necessary preparation, training, and skill-building opportunities. This empowerment will enable Roma citizens to exercise their basic rights, enhance their capacities and skills, and effectively participate in community problem-solving processes.
- Strengthening institutional commitment and capacity: The programme strives to improve and expand the commitment, knowledge, and skills of public institutions involved in Roma inclusion efforts. By promoting the concepts of good

2 [ROMACTED HANDBOOK](#) - A manual development of local resources, joint action and empowerment of Roma communities, 2019, p. 7 (Accessed on 6 February 2023).



governance, the programme aims to enhance the institutions' ability to work towards Roma inclusion and effectively address the needs of the community.³

In summary, the ROMACTED Programme seeks to foster collaboration and inclusivity through a participatory working cycle. Its objectives include strengthening political will, supporting local development through capacity building, empowering individuals and communities within the Roma population, and enhancing the commitment and effectiveness of institutions in promoting Roma inclusion.

3 Ibid, p. 8.



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The role of digitalisation in transforming Western Balkan societies

Policy Recommendations

1. Digitalisation should remain a high priority in the Western Balkan countries to contribute to the overall well-being of society, increase digital literacy, and expand broadband connectivity in the shortest time possible.
2. The European Union and the competent regional authorities need to monitor the digital transformation of the Western Balkans within the framework of their initiatives and the agreed timeline.
3. As many Western Balkan stakeholders as possible, from civil society to public institutions, should acknowledge that they must work together to raise the level of digitalisation and increase trust in digital services, thereby reducing the digital gap and facilitating access to services for all citizens.

Abstract

Digitalisation is playing an important role in our everyday lives. It has become embedded in every aspect of our lives. The digital transformation has reshaped the way we think, create, and exist as human beings. However, digital advancement is not equally distributed among all regions and countries across the world. One of these regions is also the Western Balkans (WB), where digitalisation is still a rather difficult and developing process. Although there are many international and regional players in the field of digitalisation, it remains a challenge. The WB countries have recently begun collaborating in the framework of initiatives, such as the Digital Summits, to work on digitalisation. The European Union also funds and imple-

ments projects that foster regional digitalisation. The EU is joined by the Organization for Security and Co-operation in Europe, the Regional Cooperation Council, Open Government Partnerships, and other actors that promote digitalisation. Regional cooperation and collective problem-solving are key to advancing digitalisation in the WB. The countries of the WB need to be convinced that digitisation must remain high on their agenda and be given their full attention. In addition, it is necessary to ensure equal and secure access to digital services for all without discrimination. The digital transition must work for the benefit of all and the prosperity of the countries that will successfully rival the members of the EU.



The role of digitalisation in transforming Western Balkan societies

Digitalisation as a tool for changing societies

Digitalisation has had a significant impact on our daily habits and the connectivity of the world as a place where information is available virtually instantaneously. We can refer to the digital age as the fourth industrial revolution, which is offering both opportunities and challenges for the socioeconomic sector. Opportunities abound, with the main impact of facilitating lengthy administrative procedures, boosting the economy, increasing technological progress, ensuring broader inclusion, and, above all, transforming society. As the consequences of digital transformation evolve, it is important to emphasise that they are not only leading to prosperity and progress but also resulting in new security challenges and threats. For this reason, the digitalisation transition must be done efficiently and thoughtfully, with the highest level of security and protection. In this context, there is great competition for dominance in the digital world, and the race is becoming more intense. Numerous Asian countries are making faster progress in digitalisation, but for some, this comes at the cost of poorer privacy protection, which represents a challenge. Moreover, it is a question of whether Asian countries will manage to maintain their lead or whether the Western world will also make its breakthrough, and lead is a question that will have a key impact on the digital future and consequently also on the digitally less advanced regions of the world. Within Europe, the Western Balkans (WB) is one such region that still has not undergone its full digital transition and is lagging behind its European neighbourhood.

In the following, this Policy Brief will explore the state of digitalisation in the WB, which organisations are involved, and what role they play in the digital transformation of the region. The following section describes the problems and shortcomings faced by the region in digitalisation. It concludes with the opportunities that effective and sufficient digitalisation would bring to society in the WB.

We can refer to the digital age as the fourth industrial revolution, which is offering both opportunities and challenges for the socio-economic sector.

Many international players, but slow progress

One of the most visible players in the digitalisation of the WB is the European Union (EU). Through its numerous projects and co-funding, it is a key factor contributing to the digital transformation of the region. June 2018 marked the launch of the EU's Digital Agenda for the WB. This clearly shows that it is in the EU's interest and of equal importance to develop these Balkan countries to transform into digital economies and benefit from digital transformation, including faster economic growth, more employment opportunities, and better services. The main priorities of the Digital Agenda include lowering the cost of roaming, deploying broadband, strengthening the digital society, building capacity in digital trust, digitalising industries, and implementing



the EU *acquis communautaire*.¹ Some progress has been made in this area, but there is still a lot of unfinished work that was foreseen but has not even started yet. There is indeed a growing commitment among the countries of the WB to the digital transition and to maximising the use of digital services among citizens.

Much of the digital change in the region has taken place under the auspices of the Regional Cooperation Council (RCC). The region will be included in the pan-European digital area, lower roaming costs between the WB and the EU, digitally upskill the working force, enable the flow of personal and non-personal data, and enhance cyber resilience in the region.² As of now, the RCC is contributing to Roaming Free WB from 1 July 2021,³ participating in regional dialogue on the Western Balkans Digital Economy and Society Index,⁴ developing a sustainable regional framework to support digital upskilling, and strengthening regional capabilities for developing digital skill strategies. A structure for high-level regional dialogue on digital transformation was developed in the form of a Western Balkans Digital Summit. A total of four summits have been held on digitalisation so far, where the most important topics related to the digital transition were discussed.

It is urgent that regional initiatives recognise the importance of digitalisation as soon as possible.

It is interesting that in the Novi Sad Declaration⁵ digitalisation is mentioned only once when it says that the concept of regional cooperation was raised to another level by introducing concrete measures in the fields of infrastructure, trade, investment, mobility, and digitalisation. It is therefore urgent that regional initiatives recognise the importance of digitalisation as soon as possible. Later in 2021, the participating countries of Open Balkan,⁶ agreed that they would start with their e-government services related to the electronic identification of their citizens.⁷ The signatories are inviting all

- 1 Medica, M., Bergdahl, M. (2019). Digital Agenda for Western Balkans. European Commission DG NEAR and DG CONNECT. <https://www.wbif.eu/storage/app/media/Library/9.Sectors/6.DigitalInfrastructure/2019-Digital-Agenda-for-the-Western-Balkans.pdf>
- 2 Regional Cooperation Council. (2022). Digital transformation - connecting the region. RCC International. <https://www.rcc.int/flagships/7/digital-transformation>
- 3 The initiative encourages cooperation and the integration of societies, besides that it also has a clear impact on the functioning of businesses and helps citizens to reduce costs.
- 4 In 2014, the European Commission launched the Digital Economy and Society Index to track the digital performance and competitiveness of EU member states. DESI indicators are required not only by EU member states but also by candidates for membership and potential candidates.
- 5 Novi Sad Declaration. (2019). Joint Declaration by the President of the Republic of Serbia, the Prime Minister of the Republic of Albania, and the Prime Minister of the Republic of North Macedonia. <https://api.pks.rs/storage/assets/deklaracija-tri-predsednika.pdf>
- 6 The Open Balkan is an economic and political zone of three member states in the [Balkans](#), those being [Albania](#), [North Macedonia](#), and [Serbia](#).
- 7 Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans, signed on 21 December 2021 in Tirana. https://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/id_agreement.pdf



other WB participants to join this agreement, which shows the willingness and openness of the region in terms of e-governmental cooperation.

The Organization for Security and Cooperation in Europe (OSCE), which has a mandate in the area of digitalisation under the “second basket” of the Helsinki Declaration,⁸ is also an important factor in the area of e-government. In the WB OSCE is using innovative digital tools, online training, and platforms to monitor open data at local and national levels, capacity building to increase transparency in government administration is a key component in improving accountability.⁹

Last but not least, the Open Government Partnership (OGP) is a global initiative that brings together national and local government entities and works to develop concrete commitments for a wide range of issues.¹⁰ It is closely working with the governments in the WB, where they drafted National Action Plans with a focus on digitalization in various sectors, especially those developed during the COVID-19 pandemic (economy and e-government services).

The Western Balkans have greatly benefited from the support and aid of international players.

International players have helped to advance digital infrastructure, promote digital skills, and assist in the execution of digitalisation programmes, advancing the region’s transition to the digital era through financial support, technical know-how, and knowledge exchange. Therefore, the Western Balkans have greatly benefited from the support and aid of international players.

Challenges on the ground

As far as digitalisation in the WB is concerned, there are recurring problems and obstacles. A major difference between rural and urban environments is certainly one of them. Digital transformation is still a major challenge and problem in rural areas. The concentration of production and the economy is mainly located in urban centres, where the various economic technology sectors are located. To a large extent, rural areas are still dominated by the primary sector of the economy, and consequently, there is no need for digital modernisation of rural areas. Although the WB region has a high internet penetration rate of 75% to 96%,¹¹ it is geographically diverse, making it difficult and in some cases impossible to have high-speed broadband coverage. In addition to infrastructure, governments need to ensure the development of public policies and programmes on digitalisation. Without public policies governing digitalisation, the development of adequate infrastructure is unnecessary and does not contribute to progress. The countries of the Western Balkans have recently started

8 Helsinki final act. (1975). Conference on Security and Co-operation in Europe Final Act. <https://www.osce.org/files/f/documents/5/c/39501.pdf>

9 Organisation for Security and Co-operation in Europe. (2022). Digitalization and OSCE. OSCE Areas. <https://www.osce.org/oceea/446218>.

10 Open Government Partnership. (2022). Digital governance. OGP Policy Areas. <https://www.opengovpartnership.org/policy-area/digital-governance/>

11 Metamorphosis Foundation. (16 February, 2022). Digital Agenda’s report on digital advancement in the Western Balkans. European Digital Rights. <https://edri.org/our-work/digital-agendas-report-on-digital-advancement-in-the-western-balkans/#:~:text=Although%20the%20Western%20Balkans%20has,also%20in%20the%20public%20administration>



to coordinate their digital policies, which are still not regionally oriented but country-by-country and influenced by different objectives.

Digital transformation is still a major challenge and problem in rural areas.

Albania has seen improvements in broadband penetration and internet connectivity. Albania's development in digitalisation has been very progressive and advanced in the last year. With the "Industry 4.0 revolution", the digitisation process of the economy has become a priority for the Albanian government.¹² As well, there has been a focus on enhancing digital skills, mainly through the government's e-services portal, where citizens can access public services, including collecting copies of their birth certificates, paying taxes, and more. The digital transition of Albanian public services was done mainly with the intention of eliminating inefficiency and low-level corruption. On the other side, Bosnia and Herzegovina is gradually advancing in the field of digitalisation. The main reason for lagging other WB countries is the fragmented governance structures. However, Bosnia and Herzegovina is trying to improve digital infrastructure and promote e-government services. The country is trying to expand broadband access through various initiatives in order to enhance digital skills and entrepreneurship. The digital transformation has been a goal for Kosovo as well. It has made strides towards boosting e-government services, expanding broadband access, and enhancing digital infrastructure. Now they are conducting various projects to encourage digital literacy, assist new businesses, and promote innovation. Additionally, Montenegro has concentrated on promoting economic growth and competitiveness through digitisation. Montenegro has made improvements to its digital infrastructure, including increased internet access and broadband penetration. The number of e-government services has increased, and initiatives are being taken to advance digital literacy and encourage entrepreneurship. Initiatives for digitalisation have also been aggressively pursued by North Macedonia. With widespread internet connectivity and improvements to its digital infrastructure, the country has made considerable strides. North Macedonia is establishing itself as a regional centre for digital innovation and has a thriving start-up environment. Finally, Serbia has been at the forefront of digitalisation efforts in the Western Balkans. The country has created a sophisticated digital infrastructure with a universal internet connection. Serbia has put in place extensive e-government efforts and services to improve digital literacy and assist start-ups. Serbia has very well established and operated the Digital Serbia Initiative, which has positioned Serbia as a regional leader in digital transformation and innovation. The main aim is to create a business environment that serves the digital economy by investing in strategic programmes in the areas of formal and informal education, start-up ecosystem development, legal and regulatory frameworks, digital infrastructure, and public dialogue on digital transformation.¹³ The strategy has a strong emphasis on several critical areas, including building digital skills, advancing digital infrastructure, encouraging entrepreneurship and innovation, and advancing e-government services. Serbia has made investments in increasing broadband access, establishing digital innovation centres, and building training programmes for

12 Hysa, E., Kruja, A. D., Shiko, V. (2022). Current and Prospective Expansion of the Sharing Economy in Albania. The Collaborative Economy in Action: European Perspectives, 22-34. <https://philarchive.org/archive/HYSCAP>

13 Digital Serbia initiative. (2023). About us and initiative. <https://www.dsi.rs/en/about-us/>



digital skills. Additionally, e-government services have also been introduced as a result of the approach, streamlining administrative processes and enhancing transparency.

Serbia has been at the forefront of digitalisation efforts in the Western Balkans.

A related problem is that the digital infrastructure is rather underdeveloped. In some regions, there are still problems with the electricity supply, which makes digital infrastructure impossible. For this reason, other infrastructure projects are more important for the countries in the WB. This is where the funding problem arises, which, as already mentioned, flows into infrastructure projects that are more vital than upgrading digital networks. Therefore, the European Commission launched the Economic and Investment Plan for the WB from 2021–2027, whereas it will co-fund up to €9 billion worth of digital transition projects. Up to this point, there were 12 successful projects valued at more than €619 million.¹⁴ However, WB countries also need to be helped with examples of good practise and successful monitoring of the implementation of projects from inception to completion.

In some regions, there are still problems with the electricity supply, which makes digital infrastructure impossible.

Digital literacy is another challenge for the WB population. The Digital Agenda Observatory 2021 report shows that the digital literacy of the population in the WB, including the public administration, is lacking compared to the EU.¹⁵ Even though digital skills are the most required, the vast majority of people included in the Balkan Barometer 2022 have not been trained to improve them (80% to 98%, among economies).¹⁶ There are two main reasons for this situation: Firstly, the level of education in the WB countries is still low compared to the EU member states.¹⁷ Secondly, there is a structural problem with overall education.¹⁸ Such divergences are due to different education policies within WB. Each country assesses education differently, and from this perspective, the countries of the WB must realise that a well-educated population is a prerequisite for a country's progress. In this context, it is also necessary to systematically start regulating and training in the field of digitalisation, not only in schools but

- 14 Western Balkan Investment Framework. (2022). Digital future – investment priorities. WBIF. <https://www.wbif.eu/sectors/digital-infrastructure>
- 15 Dervishi, M., Josifovska Danilovska, M., Bojović, M., Nikčević, S., Lame, X., Merkoci, A. (2022). Digital Agenda Observatory 2021, Cumulative report on Digital Agenda advancement in Albania, Kosovo, Montenegro, North Macedonia and Serbia. Metamorphosis Foundation for Internet and Society.
- 16 Regional Cooperation Council. (2022). Balkan Barometer 2022 Public Opinion Analytical Report. [Data file]. <https://www.rcc.int/download/docs/Balkan%20Barometer%202022%20-%20PO.pdf/21e2192c1d34cc6194ecb029d7b5997f.pdf>
- 17 In the OECD's Programme for International Student Assessment, there is a general lower reading performance in the Western Balkans (402 average) than in the European Union (481), or the Organisation for Economic Cooperation and Development (487). For an example, Kosovo scored 353 in reading while Serbia scored 440.
- 18 OECD. (n.d.). Education in Western Balkans: Findings from PISA. <https://www.oecd-ilibrary.org/sites/764847ff-en/index.html?itemId=/content/publication/764847ff-en>



also in the workplace. The key to digital literacy is that it is inclusive. This is because digitalisation is often limited to parts of the population, thereby increasing the concentration of benefits and exclusion. Digital literacy levels are rising in urban centres while remaining low in rural areas.

Each country assesses education differently, and from this perspective, the countries of the WB must realise that a well-educated population is a prerequisite for a country's progress.

Another pressing problem in this context is citizens' trust. The WB is facing a high level of distrust among citizens towards technologically advanced and digital services that would make their lives easier. The Balkan Barometer 2022 data shows that 65% of WB citizens use the internet mostly as a tool for communication, 38% for educational purposes, and only 15% of them use the internet for paying bills online.¹⁹ In addition, only 9% of WB citizens use e-government services, which is very low. Moreover, for 37% of WB citizens, misusing personal data is their biggest concern when using online banking or shopping online compared to the EU. Launching a broader regional campaign to present the advantages that affect society would be beneficial. In addition, a high level of protection for all digital services should be ensured, as this would raise confidence and dispel any doubts. In this regard, it is also important to mention the need for adequate supervision in the field of digital media, which poses challenges in terms of quality. In particular, regarding the spread of fake news, the population must be properly warned and educated. The identification of fake news is of crucial importance to guaranteeing free and independent media. In addition to digital media, a high level of protection of personal data must be ensured. The latter must become a guiding principle for further digital reforms, as it increases citizens' trust. The EU can serve as a role model here with its General Data Protection Regulation.

Launching a broader regional campaign to present the advantages that affect society would be beneficial.

One of the most pressing issues is ensuring the cybersecurity of the countries in the WB. Given its geostrategic position, the region has always been influenced by major powers. There is no doubt that even today the desire for power is genuine, as is evident from regional cooperation. For this reason, the governments of the WB countries are often the targets of cyberattacks. Poor digital infrastructure and poorly developed defence mechanisms make these countries easy targets. Countries of the WB must acknowledge that cybersecurity needs to be upgraded and strengthened to ensure the smooth functioning of the state institution administration.

One of the most pressing issues is ensuring the cybersecurity of the countries in the WB.

19 Regional Cooperation Council. (2022). Balkan Barometer 2022 Public Opinion Analytical Report. [Data file]. <https://www.rcc.int/download/docs/Balkan%20Barometer%202022%20-%20PO.pdf/21e2192c1d34cc6194ecb029d7b5997f.pdf>



How to solve the problems?

If the above problems are properly addressed, WB society can benefit from digitalisation in several respects. First of all, digital transformation leads to a more efficient and prosperous economy. In addition, citizens will be the first to notice the obvious difference between simplified procedures and bureaucracy. This will have a positive impact on the general state of society and raise the level of digital usage. Additionally, procedures within state institutions and public administrations will be more centralised, saving citizens a lot of time in dealing with the various matters that can be managed in one place. Moreover, the diaspora is also putting additional pressure on national authorities in terms of digitalisation. Citizens living abroad have already experienced the benefits of digitalisation, so they want the same level of digital development at home. As an example of benefits, Albania has obtained funding under the Western Balkans Investment Framework to develop a regional broadband infrastructure that will contribute to 500 health facilities with at least 30 MB of fixed broadband, 3000 educational facilities with at least 30 MB of fixed broadband, 61 public institutions with at least 30 MB of fixed broadband, and increase to 70% the share of households with a broadband connection throughout the country.²⁰

Digitalisation will raise the security of the region to a higher level, making it more strategically and collectively connected. A common, coordinated response will lead to higher resilience. At the same time, it will be possible to ensure a coordinated regional reply that is faster and more clearly communicated. This aspect is also partly addressed through debates and panels at the Western Balkans Digital Summits, which take place every year.

Digitalisation will raise the security of the region to a higher level, making it more strategically and collectively connected.

In the area of education, school curriculums need to be redesigned accordingly, and training for the general population needs to be introduced. The training should educate society on how to use the digital tools that will operate within the public administration. People need to learn and start to trust online shopping, online ordering, online banking, international business, online health services, etc. Through existing initiatives such as the Open Balkans, digitalisation should be promoted as one of the cornerstones of the region's openness. An example of one such collaboration is the RCC Balkathon,²¹ an online contest aimed at fostering the ability of start-ups and small and medium-sized enterprises (SMEs) to compete better and scale up their operations to help the WB recover from the outbreak of COVID-19.

In the area of education, school curriculums need to be redesigned accordingly, and training for the general population needs to be introduced.

There is still a lot of work to be done in the WB, which is why effective changes need to start as soon as possible. Through digitalisation, the region can be further

20 Western Balkans Investment Framework. (2022). Regional Broadband Infrastructure Development. WBIF. <https://wbif.eu/project/PRJ-ALB-DII-001>

21 Regional Cooperation Council (2022). Balkathon - smarten up for future. RCC. <https://www.rcc.int/pages/140/balkathon>



opened and connected in several areas, from trade to judicial affairs. With small but gradual changes in all issue areas of the digitalisation in WB, this region will progress and will be able to match standards within the EU. There is a need to recognise the importance of digitalisation and include it in existing national strategies. In the coming years, this will be crucial to improving the well-being of citizens and simplifying their lives.



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The Austrian Society for European Politics (Österreichische Gesellschaft für Europapolitik, ÖGfE) is a non-governmental and non-partisan platform mainly constituted by the Austrian Social Partners. We inform about European integration and stand for open dialogue about topical issues of European politics and policies and their relevance for Austria. ÖGfE has a long-standing experience in promoting European debate and acts as a catalyst for disseminating information on European affairs.

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Civil society organisations and their "space" in backsliding democracies

Policy Recommendations

1. The EU should use its new momentum and extend its future comprehensive civil society strategy and the European Civil Space Index to the accession candidates and Western Balkan countries to accelerate EU accession.
2. Rules for applying to and eligibility for funding from governmental and international institutions should be more transparent. The EU needs to reduce or simplify the bureaucracy of the funding application process for civil society organisations in both EU and candidate countries.
3. The collaboration of independent media and civil society organisations might be useful to counter the anti-civil society organisations narrative of the government. The EU could support media campaigns to make people aware of the positive roles civil society organisations play in democracies. Furthermore, the international community should publicly report on the vilification, attacks, threats, and harassment of civil society organisations.

Abstract

The Policy Brief addresses the situation of civil society organisations (CSOs) in Hungary and Serbia by analysing the data provided by the Civil Society Organization Sustainability Index (CSOSI). The "shrinking spaces" of CSOs in both countries mean that the governments are trying to vilify these organisations in the media, control their funding basis, narrow their legal basis,

and in some cases even intimidate CSOs representatives. Although the political backgrounds of Hungary and Serbia are quite similar, the governments use different strategies to hinder the activities of civil society. The marginalisation of CSOs leads to an exclusive form of democracy, that ignores the needs and demands of the broader public.



Civil society organisations and their “space” in backsliding democracies

Definition and clarification

A functioning democracy needs a vibrant and active civil society. Civil society is a rather broad concept and consists, in its organised form, of various organisations (e.g., trade unions, church organisations, volunteering organisations, social and cultural associations, etc.). It provides services, advocates for specific societal issues, encourages political participation, holds the government accountable, raises awareness, and articulates the demands and interests of the public. Civil society organisations (CSOs), and informal citizen associations, supported by the broader civil society, are considered to play an important role in supporting and consolidating democracies.

Autocratic regimes often consider CSOs the “enemy of the state” because they advocate for transparent, inclusive, and democratic processes, which governments perceive to be directed against them. Especially the externally funded CSOs are faced with allegations of undermining the interests of the state. With this reasoning, more anti-liberal governments are justifying their restrictive policies towards CSOs. The better-known examples are the campaigns by the Hungarian government framing the philanthropist and financier of the Open Society Foundation, Georg Soros, as an enemy of Hungarian interests.¹ Government-controlled media are supporting these negative images. In Serbia, CSOs that receive external funding are referred to as “Soros guys”, “NATO traitors”, or “MI5 agents”. CSOs require funding, either from the state or from other external sources, to be able to continue their work. Critics argue that CSOs adapt their activities to fit the objectives of external funding organisations rather than focusing on the actual problems of society. However, the same could be said about the government-funded CSOs (GONGOs), which receive funding because of their pro-government stance.²

Especially the externally funded CSOs are faced with allegations of undermining the interests of the state.

This Policy Brief focuses on the role of CSOs in the two post-socialist countries of Hungary and Serbia. During the political transition processes in the 1990s, strengthening CSOs became a priority on the international community’s agenda. Democratic governments, within the European Union (EU) and the EU candidate countries, are expected to engage with CSOs and provide them with a “space” to fulfil their roles in society. Due to the identified importance of CSOs in supporting the democratic

- 1 The Guardian (12.07.2017): George Soros upset by ‘antisemitic’ campaign against him in Hungary. Available at: <https://www.theguardian.com/world/2017/jul/12/george-soros-upset-by-anti-semitic-campaign-against-him-in-hungary> (last accessed 01.03.2023).
- 2 Reimann, Kim D. (2002): Up to No Good? Recent Critics and Critiques of NGOs, Subcontracting Peace: The Challenges of NGO Peacebuilding, Chapter. 3 (2005), pp. 37-54, here pp. 43-44. Available at: https://scholarworks.gsu.edu/political_science_facpub/5 (last accessed 20.03.2023).



transition, the EU is providing funds for CSOs in the EU candidate countries with the Instrument for Pre-accession Assistance (IPA). EU-funded CSOs should focus their activities on building capacity, inclusion, and civil participation³ and are expected to support the EU's reform agenda and the accession process. CSOs in EU countries have an important role in pointing out autocratic tendencies and the exclusion of civil society from democratic processes. Hungary is an example of democratic backsliding within the EU, whereas Serbia is stuck on the European integration path and lacks the capacity to develop a democratic system. From the authors' point of view, the neighbourhood and the similar political outlook of the current political leadership suggest this effect could be interpreted as a diffusion of autocratic values and a "way of doing things".

Hungary is an example of democratic backsliding within the EU, whereas Serbia is stuck on the European integration path and lacks the capacity to develop a democratic system.

Shrinking spaces for civil society organisations

The issue of the freedom of CSOs caught the attention of the EU. The challenges in the last few years, especially the pandemic and the Russian aggression against Ukraine, often allowed authoritarian-minded governments to set up administrative and legal restrictions that limited the opportunities for CSOs to operate. This phenomenon is often called "shrinking space for civil society". The International Federation for Human Rights (FIDH) describes this phenomenon as "[...] authorities place considerable restrictions on civil society's free space by not hesitating to overstep the law with the support of the judiciary or by adopting laws which increasingly threaten freedom and which focus particularly on NGOs' access to funding, registration requirements, and controlling the activities of organisations or freedom of assembly."⁴ FIDH also points out that these political tactics and techniques can be exported from one country to another to suppress human rights abroad.⁵ The CSOs are working against the backdrop of an overall difficult political situation in Serbia and Hungary. The Freedom House Index 2023 categorised both countries as "partly free" and as "transitional or hybrid regime", while the V-Dem (Varieties of Democracy) Index referred to Hungary and Serbia as "electoral autocracy".⁶

As one of the most recent developments regarding CSOs, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament (EP) pre-

3 EU (n.d.): Civil Society. Available at: <https://webalkans.eu/en/themes/democracy-and-fundamental-rights/civil-society/> (last accessed 01.03.2023).

4 International Federation for Human Rights (n.d.): Shrinking space for civil society. Available at: <https://www.fidh.org/en/issues/human-rights-defenders/shrinking-space-for-civil-society/> (last accessed 20.03.2023).

5 International Federation for Human Rights (n.d.) *ibid.*

6 Freedom House (2023): Nations in Transit. Available at: <https://freedomhouse.org/explore-the-map?type=fiw&year=2023> (Last accessed 20.03.2023); V-Dem Institute (March 2023): Defiance in the Face of Autocratization. Democracy Report 2023. University of Gothenburg: Varieties of Democracy Institute (V-Dem Institute), p. 10. Available at: https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf (last accessed 20.03.2023).



sented its initiative, “The shrinking space for civil society in Europe”⁷ in February 2022. The report highlights the challenges faced by CSOs within the EU.⁸ It proposes a range of measures to ensure that the rights of these organisations, especially freedom of expression and association, are respected. The report focuses on three main pillars to achieve the objectives mentioned above. The LIBE Committee argues that the European Commission (EC) should establish a “European civic space index” to monitor the situation of civil society and civic space within the member states. The EC should also add a separate chapter on civic space to its annual Rule of Law Report. Furthermore, the EC should adopt a comprehensive civil society strategy to safeguard and further develop the civic space and the work of CSOs within the EU. After the parliamentary debate, the EP adopted the resolution on “Shrinking Space for Civil Society in Europe” on 8 March 2022.⁹ In June 2022, more than 300 CSOs from 25 EU countries as well as from six non-EU countries signed an open letter to urge the EC to include a proposal for a European Civil Society Strategy (as formulated in the resolution adopted by the EP) in its work programme for 2023. The open letter argues that “a call for a civil society strategy has been a long-term demand of CSOs at European and national level.”¹⁰ Despite the demands of the resolution adopted by the EP as well as the call of more than 300 CSOs, the EC did not include the topic of shrinking spaces for civil society or a proposal for a comprehensive European Civil Strategy in its work programme for 2023.¹¹

The EC should also add a separate chapter on civic space to its annual Rule of Law Report.

The EU is also aware of the difficulties CSOs face in EU candidate countries. The current efforts within the EU to strengthen and protect the role of CSOs in politically difficult environments within EU member states should also act as a plan for the EU candidate countries. The Berlin Process, which was initiated by EU countries to re-energise the enlargement process in 2014, identified civil society as a crucial actor to support the Western Balkan countries’ EU path. As a consequence, the Western Balkan Civil Society Forum was established in 2015 to contribute to six working groups

- 7 European Parliament - Committee on Civil Liberties, Justice and Home Affairs (2021): Draft Report on the shrinking space for civil society in Europe, 2021/2103(INI). Available at: https://www.europarl.europa.eu/doceo/document/LIBE-PR-699075_EN.pdf (last accessed 20.03.2023).
- 8 European Parliament (2022): Report on the shrinking space for civil society in Europe, A9-0032/2022. Available at: https://www.europarl.europa.eu/doceo/document/A-9-2022-0032_EN.pdf (last accessed: 20.03.2023).
- 9 European Parliament (2022): European Parliament resolution of 8 March 2022 on the shrinking space for civil society in Europe, P9 TA(2022)0056. Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0056_EN.pdf (last accessed: 20.03.2023).
- 10 Civil Society Europe (2022): Open letter to the European Commission - European Commission work programme 2023: the need to include the development of a European Civil Society Strategy. Available at: <https://epha.org/wp-content/uploads/2022/06/letter-to-ms-ursula-von-der-leyen-220621.pdf> (last accessed: 30.05.2023).
- 11 European Commission (2022): Commission work programme 2023. A Union standing firm and united, COM(2022) 548 final. Available at: https://commission.europa.eu/system/files/2022-10/com_2022_548_3_en.pdf (last accessed: 30.05.2023).



(rule of law, security and migrations, socio-economic development, connectivity, digital agenda and reconciliation, and good neighbourly relations) within the Berlin Process.¹² As the CSOs in the Western Balkan countries are meant to be involved in the EU accession negotiations as equal partners to ensure transparency in the process, the Western Balkan Civil Society Forum provides a platform for exchange and assistance.

Undermining the legal environment for NGOs: the Hungarian case

The annual Civil Society Organization Sustainability Index (CSOSI) report analyses the role of CSOs in several countries around the globe. The CSOSI describes the progress and setbacks of the CSOs using seven indicators that affect the sustainability of civil society and civic space in the respective countries. The CSOSI uses a scale from 7 (worst result) to 1 (best result) and categorises the countries into three main groups: countries where the sustainability of the civil society organisations is (1) impeded, (2) evolving, or (3) enhanced.¹³

According to the CSOSI report from the year 2021, Hungary received a score of “4.0” and was therefore categorised as a country where the overall CSO sustainability is evolving. Compared to the result from 2020, Hungary’s score has decreased in three of the seven categories: legal environment, organisational capacity, and financial viability, whereas it stayed steady in the other four categories.¹⁴

One of the most significant measures against the CSOs in Hungary was the Act LXXVI of 2017 on the Transparency of Organisations Supported from Abroad¹⁵ (often called “LexNGO 2017”), which discriminated particularly against those CSOs receiving funding from abroad and labelled them as “foreign-funded organizations”.¹⁶

LexNGO 2017 was only the beginning of a strikingly similar pattern of restrictions on CSOs. In June 2018, the Hungarian Parliament approved the so-called “Stop Soros” legislative package, which essentially criminalised the support of asylum seekers. The Hungarian Helsinki Committee and Open Society Foundation filed a complaint against Hungary over the legislation package.¹⁷ In addition to the legislation, a new tax called the “special immigration tax” was also adopted based on Act XLI of

12 Cp. Civil society Forum of the Western Balkan (n.d.): About. Available at: <https://wb-csf.eu/about> (last accessed 07.03.2023).

13 United States Agency for International Development (2023): 2021 Civil Society Organization Sustainability Index for Central and Eastern Europe. Available at: <https://www.fhi360.org/sites/default/files/media/documents/csosi-europe-eurasia-2021-report.pdf> (last accessed: 20.03.2023).

14 United States Agency for International Development (2023) *ibid.*

15 The original text of the Act LXXVI is not available anymore because it was modified in 2021.

16 TASZ / Hungarian Helsinki Committee (2017): What Is The Problem With The Hungarian Law On Foreign Funded NGOs? Available at: <https://helsinki.hu/wp-content/uploads/What-is-the-Problem-with-the-Law-on-Foreign-Funded-NGOs.pdf> (last accessed 20.03.2023).

17 European Council on Refugees and Exiles (2018): Hungary: Hungarian Helsinki Committee and Open Society Foundation file complaint against Hungary over legislation that criminalises support for refugees. Available at: <https://ecre.org/hungary-hungarian-helsinki-committee-and-open-society-foundation-file-complaint-against-hungary-over-legislation-that-criminalises-support-for-refugees/> (last accessed 20.03.2023).



2018¹⁸. Non-governmental organisations (NGOs) supporting migration processes of any kind and receiving more foreign than domestic funding, had to pay a special tax of 25%. The government legitimised this approach by declaring CSOs assisting in migration matters “illegal migration assistance.”¹⁹ In November 2021, the Court of Justice of the European Union (CJEU) declared that the “Stop Soros” legislation breaches EU law. The CJEU stated, “Criminalising such activities impinges on the exercise of the rights safeguarded by the EU legislature in respect of the assistance of applicants for international protection.”²⁰

In June 2018, the Hungarian Parliament approved the so-called “Stop Soros” legislative package, which essentially criminalised the support of asylum seekers.

The CJEU also declared in June 2020 that “LexNGO 2017” is not in legal accordance with existing EU legislation²¹. Following this ruling, the Hungarian government only repealed “LexNGO 2017” in May 2021. The modified legislation, the LexNGO 2021 (Act XLIX of 2021 on the Transparency of the Organisations Carrying out Activities Capable of Influencing Public Life²², entered into force in July 2021. CSOs capable of influencing public life in Hungary, particularly those with a budget above 20 million HUF, need to open their internal records for inspection by the State Audit Body, regardless of how they acquire their budget, whether it is public or private.²³ This shrinking space for CSOs becomes evident when considering that CSOs supporting governmental values, such as religious groups that support traditional values, are exempt from such regulations.²⁴

Measures, like State Audit Body inspections, have since mainly targeted CSOs dealing with the rule of law and human rights, among them LGBTQIA+ organisations

- 18 2018. évi XLI. törvény „az egyes adótörvények és más kapcsolódó törvények módosításáról, valamint a bevándorlási különadóról” (Act XLI of 2018). Available at: <http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK18117.pdf> (last accessed 20.03.2023).
- 19 Hungarian Civil Liberties Union (2018): Hungary’s New Immigration Tax: Pay if You Have a Different Opinion. Available at: <https://www.liberties.eu/en/stories/hungary-you-have-to-pay-if-have-a-different-opinion/15484> (last accessed 20.03.2023).
- 20 Court of Justice of the European Union (2021): Judgment in Case C-821/19 Commission v Hungary (Criminalisation of assistance to asylum seekers), Press Release No 203/21. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-11/cp210203en.pdf> (Last accessed 20.3.2023).
- 21 Court of Justice of the European Union (2020): Judgment in Case C-78/18 Commission v Hungary, Press Release No 73/20. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf> (last accessed 20.03.2023).
- 22 2021. évi XLIX. törvény „a közélet befolyásolására alkalmas tevékenységet végző civil szervezetek átláthatóságáról” (Act XLIX of 2021). Available at: <http://kozlonyok.hu/nkonline/MKPDF/hiteles/mk21097.pdf> (last accessed 20.03.2023).
- 23 Hungarian Helsinki Committee (2022): LexNGO2021 – A look into Hungary’s Lex-NGO2021 on its first anniversary. Available at: <https://helsinki.hu/en/information-note-on-hungarys-lex-ngo-2021/> (last accessed 20.03.2023).
- 24 Hien, Melanie (2021): The Hungarian Government Takes Further Steps Against NGOs. In: ZOIS Spotlight, Nr. 24/2021. Available at: <https://www.zois-berlin.de/en/publications/the-hungarian-government-takes-further-steps-against-ngos> (last accessed 20.03.2023).



promoting the same rights for all minorities and citizens. The involvement of the State Audit Body seems unreasonable because many of those organisations do not receive public funding, which means they are out of the jurisdiction of the State Audit Body. Furthermore, the State Audit Body gets more involved in other activities outside of their competence, such as a report that claimed that a high percentage of women in academia disadvantage men and reduces childbirth.²⁵

The Hungarian government tries to create a homogenous society. Viktor Orbán claimed in a speech in 2017 that “homogeneity in Hungary” was the key to the country’s positive economic development.²⁶ This approach does not contemporary in a modern EU with the right for free movement. As the development since 2017 shows, CSOs that do not promote a homogenous society receive consequences.²⁷ How seriously the government takes this strategy becomes evident in the most recent anti-LGBTQIA+ legislation in June 2021. The Act LXXIX of 2021 on “Tougher action against paedophile offenders and amending certain laws to protect children”²⁸ was supposed to combat paedophilia but, at the same time, “contains clauses prohibiting the portrayal of homosexuality and gender-reassignment to minors”.²⁹ Furthermore, featuring homosexuality or gender reassignment is not allowed in education; such classes are only allowed to be conducted by specially registered organisations.³⁰

As the development since 2017 shows, CSOs that do not promote a homogenous society receive consequences

Beyond the anti-NGO legislation, the Hungarian government also aims to influence the public image of CSOs negatively. Due to the dominance of the Fidesz party (Hungarian Civic Alliance / Magyar Polgári Szövetség) over the Hungarian media landscape, pro-government media outlets can easily shape the public image of the CSOs through the anti-CSO strategy of the Hungarian government. They are generally hostile towards those Hungarian CSOs, that are not supported by the government. After the CSOs dealt with migration, the main targets of the media outlets were LGBTQIA+ and children’s rights organisations. They were accused of spreading the “transsexualisation of children”, “gender craze”, and “homosexual propaganda”, among others.³¹

- 25 Aradi, Hanga Zsófia / Horváth Kávai, Andrea (2022): The State Audit Office worries that too many Hungarian women getting university education will lead to less children being born. Available at: <https://telex.hu/english/2022/08/25/the-state-audit-office-worries-that-too-many-women-getting-university-education-will-lead-to-less-children-being-born> (Last accessed 20.03.2023).
- 26 Euroactiv (01.03.2017): Orbán calls ‘ethnic homogeneity’ a key to success. Available at: <https://www.euroactiv.com/section/justice-home-affairs/news/orban-calls-ethnic-homogeneity-a-key-to-success/> (last accessed: 30.05.2023).
- 27 Cf. Hien, Melanie (2021).
- 28 2021. évi LXXIX. törvény „a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról” (Act LXXIX of 2021). Available at: <http://kozlonyok.hu/nkonline/MKPDF/hiteles/mk21118.pdf> (Last accessed 20.03.2023).
- 29 European Parliament (2021): LGBTI rights in the EU, recent developments following the Hungarian law. Available at: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690707/EPRS_ATA\(2021\)690707_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690707/EPRS_ATA(2021)690707_EN.pdf) (Last accessed 20.03.2023).
- 30 Cf. European Parliament (2021).
- 31 Cf. United States Agency for International Development (2023).



The Hungarian case shows that civil space gets easily restricted by legal means by the government, which claims to protect the interests of an allegedly homogenous society against “foreign” and liberal influences.

A divided civil society: the Serbian case^{32 33}

Serbia’s CSO Sustainability Index in 2021 reached a score of 4.3 on a scale from 1, the highest, to 7, the lowest grade. Serbia and the neighbouring Western Balkan countries fall into the category of “evolving” concerning the level of strength and sustainability of the CSO sector in the country. However, compared to its Western Balkan neighbours, Serbia has the lowest CSO sustainability score in the region. The overall score compared to 2020 remained the same, but out of the seven categories, the legal environment and service provision deteriorated, but advocacy, due to the environmental protests in 2021, improved. The worsening situation for CSOs in Serbia was recorded in the 2022 EU progress report for Serbia, where it mentioned that “systematic cooperation between the government and civil society” needs to be established and an “enabling environment for developing and financing civil society organisations still needs to be created on the ground”.³⁴ According to the Serbian Business Registers Agency (SBRA), 35,733 CSOs were registered in Serbia in December 2021. The Serbian CSO scene is characterised by intense competition among the organisations due to the high number of CSOs, the limited available funding possibilities, and the ideological division of CSOs working closely with the government and others in de facto opposition. Recently, a newly manifesting dividing line has been Russia’s invasion of Ukraine. Some CSOs have turned into more business-like organisations, where their main objective is to sustain the organisation’s existence rather than lobbying for societal interests. The number of GONGOs (governmental NGOs) mushroomed in the last five to six years in Serbia. Legally, there are no restrictions for CSOs in Serbia, but the overall political situation is not conducive to civil activism. The government gained full control of the parliament in the summer of 2020 because of the election boycott by the opposition. During that time, members of CSOs received death threats, property was damaged, people were attacked, and smear campaigns were orchestrated. Freedom House noted that in recent years, CSOs have faced intimidation, harassment, and threats when opposing the government or controversial topics.³⁵ This campaign of vilification intensified in August 2021, when NGOs addressed the Ministry of Human Rights and called for protection.³⁶ CSOs would report these incidents to the *Civic*

- 32 Interviews with Radomir Aleksić, Programme Assistant at Foundation BFPE for a Responsible Society, on the situation of CSOs in Serbia on the 8th of March 2023, and Bojan Elek, Deputy Director at Belgrade Centre for Security Policy on the 17th of March 2023.
- 33 CSO Sustainability Index for Serbia (October 2022), 2021 Civil Society Organization Sustainability Index, available at: <https://storage.googleapis.com/cso-si-dashboard.appspot.com/Reports/CSOSI-Serbia-2021.pdf> (last accessed 05.03.2023).
- 34 European Commission (12.10.2022): Serbia 2022 Report, Brussels. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf> (last accessed 24.05.2023).
- 35 Freedom House (2022): Serbia, Freedom in the World 2022. Available at: <https://freedomhouse.org/country/serbia/freedom-world/2022> (last accessed 05.03.2023).
- 36 Amnesty International (2012): Serbia; <https://www.amnesty.org/en/location/europe-and-central-asia/serbia/report-serbia/> (last accessed 17.03.2023).



*Committee for the Protection of Human Rights Defenders and Whistleblowers*³⁷, which would provide legal aid for victims of the harassment campaigns. Although CSOs are legally free to organise and assemble, in some cases, demonstrators were charged with crimes or publicly attacked in the pro-government media.

Legally, there are no restrictions for CSOs in Serbia, but the overall political situation is not conducive to civil activism.

Some CSOs were publicly defamed by the media, claiming that 57 CSOs were investigated for money laundering and terrorist financing in 2020.³⁸ Already in 2019, Serbian CSOs have adopted a strategy, a joint document, and established a platform called “Three Freedoms” to ensure “the preservation of space for the civil society in Serbia, to protect and advance the freedom of association, assembly, and information.”³⁹ The political environment for civil society is hostile in Serbia.⁴⁰

CSOs are officially allowed to accept foreign funding, however, suspicion of externally funded CSOs is fuelled by negative government and state media narratives. Consequently, the reputation of externally funded CSOs is tainted; hence, state institutions or municipalities might shy away from cooperation, as this might have negative political implications for politicians or administrators collaborating. State funding for CSOs is limited and directed to pro-government institutions. CSOs have a good understanding of whether they are “eligible” for state funding or not, and some do not even try to apply for state funds and consequently have to opt for external sources. The process of awarding financial support for CSOs and projects lacks transparency. This situation does not only apply to state funding but also to international organisations and external donors.

The process of awarding financial support for CSOs and projects lacks transparency.

The strengthening of CSOs through capacity building is an important form of support by external organisations, e.g., the EU, USAID, the Norwegian Embassy in Belgrade, and others. The identified weaknesses of the Serbian CSOs are mainly in the areas of communication, financial management, and the lack of transparency of the organisation’s structure and roles.

In 2021, Serbia faced several protests on the issue of the Rio Tinto mining company, which planned to extract lithium close to the town of Loznica in western Serbia, despite the objections of the local population, because of the negative environmen-

37 Belgrade Centre for Security Policy (n.d.): Civic Committee for the Protection of Human Rights Defenders and Whistleblowers. Available at: <https://bezbednost.org/en/project/civic-committee-for-the-protection-of-human-rights-defenders-and-whistleblowers/> (last accessed 17.03.2023).

38 Balkan Civil Society Development Network (15.03.2021). Available at: <https://www.balkancsd.net/serbia-the-abuse-of-anti-money-laundry-legislation-for-the-suppression-of-civic-space/> (last accessed 05.03.2023).

39 Simić, Julija (11.04.2019): Serbia’s civil sector, NGOs demand more rights, Euractiv.rs. Available at: <https://www.euractiv.com/section/enlargement/news/serbias-civil-sector-ngos-demand-more-rights/> (last accessed 17.03.2023).

40 Freedom House (2022): Serbia, Freedom in the World 2022. Available at: <https://freedomhouse.org/country/serbia/freedom-world/2022> (last accessed 05.03.2023).



tal impact. The Jadar lithium mine would have generated wealth and income for the state. In this context, the Serbian government intended to change the Law on Expropriation to make it easier for the state to take control of private property. Additionally, a referendum with an amendment concerning the required threshold on the issue was planned. CSOs and environmental groups argued that the amendments to the Law on Expropriation and the Law on Referendum would make it easier for foreign companies to ignore the concerns of the public.⁴¹ Demonstrations against the Rio Tinto mine project escalated in December 2021 when protesters blocked highways in Belgrade and other places all over the country. In the end, the government withdrew the Law on Expropriation and suggested amendments to the Law on Referendum and People's Initiative.

During the protests, CSOs officially applied to hold demonstrations or gatherings, but this was rejected by the government. Despite this, protests still took place, which were then attacked by hooligans, and the police ignored those attacks. There were no consequences for the hooligans attacking the protesters. These tactics are aimed at feeding the intimidation of CSO members and demonstrators. Freedom House has downgraded the score for freedom of assembly, due to the fear of prosecutions and the imitation of protesters by private security groups and individual hooligans, which are allegedly connected to the government.⁴²

In February 2022, the government adopted a strategy to stimulate a positive environment for civil society for 2022-2030, which was linked with the demand to establish a council for civil society cooperation.⁴³ The documentation was provided to CSOs at very short notice, and the deadline for requesting changes was too short to thoroughly deal with the content of the proposed strategy. CSOs were included in the consultation, but only at the end of the process, with no transparency and a limited timeframe to react to the proposed strategy. With this approach, the Serbian government is excluding meaningful cooperation from CSOs.

Civil societies in autocratic-minded regimes

The Hungarian score of the CSOSI was "4,0", whereas Serbia received a score of "4,3", but both countries are categorised as countries where CSO sustainability is "evolving". Although Hungary's score is a bit higher if compared with other EU countries in the neighbourhood, only Croatia is in the same group as Hungary, but it even has a better score of 3,3. The most recent CSOSI report indicates that the situation of civil society in Hungary is the most endangered within the EU.

The Hungarian government's strategy for dealing with independent CSOs' is conducted to constantly change the legal framework, thus diminishing the space of civil society. Additionally, and similarly to Serbia, Hungary uses negative media

41 Radio Free Europe / Radio Liberty (04.12.2021): Thousands of Serbs Protest 'Anti-Environment' Laws; Vucic Vows To 'Solve Problems', Serbia. Available at: <https://www.rferl.org/a/serbia-environment-protesters-traffic/31593785.html> (last accessed 12.03.2023).

42 Freedom House (2023): Nations in Transit - Serbia; <https://freedomhouse.org/country/serbia/freedom-world/2023#CL> (last accessed 13.03.2023).

43 Cp., Ministry of Human Rights and Minority Rights and Social Dialogue (03.02.2023): The Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030. Available at: <https://www.minijmpdd.gov.rs/doc/Strategy-for-Creating-an-Enabling-Environment-for-the-Development-of-Civil-Society-in-the-Republic-of-Serbia2022to2030.docx> (last accessed 07.03.2023).



campaigns to damage the public image of CSOs. Regarding anti-CSO strategies, the Serbian government takes a step further and occasionally mobilises certain violent groups of people to intimidate members of CSOs and even physically attack them. It is also important to mention that, especially in the case of Hungary, Viktor Orbán took Russia and the “Kremlin playbook” as an example to dismantle several areas of a democratic system, including the civic sector (cf. the Russian and Hungarian “foreign agent law”).⁴⁴

Apart from the negative campaigning against CSOs, both countries apply several anti-democratic practises, but with a similar goal: to limit the impact and influence CSOs have in society and maybe on the political mainstream. One possible reason why the countries use different strategies towards their CSOs is that Hungary is a member of the EU and Serbia is not. Hungarian membership in the EU has sustained the space for CSOs to be able to fulfil their role within society for years, but their opportunities and outreach are currently deteriorating.

In Hungary’s case, after the fulfilment of the EU accession criteria, the government dismantled several areas of liberal democracy after 2010, using its power due to the two-thirds majority. The EU should use its new focus and momentum in the area of civil society to take a closer look at the environment of CSOs in its member states. If the EC were to add a separate chapter on civic space to its annual Rule of Law Report, the issue of the shrinking space of civil society could be part of the rule of law mechanism in order to protect and safeguard the core values of the EU.⁴⁵

The EU should use its new focus and momentum in the area of civil society to take a closer look at the environment of CSOs in its member states.

Serbia is bound by the EU’s conditionality of the accession process; hence, it refrains from tampering with the legal framework of CSOs but falls back on informal measures to control the organisations. It seems that it might be in the interest of the Serbian government to foster divisions within civil society, as a way to further weaken and delegitimise the activities of the more liberal CSOs.

A democracy with a weak civil society, unable to aggregate and articulate the various voices and opinions of a pluralistic society, is becoming more and more exclusive, ignoring society’s demands in the end. An exclusive democratic system is a regime, that dominates the political public sphere and marginalises everyone else.

44 Krekó, Péter (2017): Hungary: Crackdown on Civil Society à la Russe Continues. Available at: <https://www.csis.org/blogs/international-consortium-closing-civic-space/hungary-crackdown-civil-society-la-russe> (last accessed: 30.05.2023).

45 European Commission (n.d.): Rule of law mechanism. Available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en (last accessed: 30.05.2023).



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A missed opportunity? Civil society organisations in Greece and North Macedonia after the 2015 refugee crisis

Policy Recommendations

1. The EU should increase the funds in support of the resilience of civil society organisations (e.g., core expenses) and earmark funds exclusively for their capacity building.
2. Civil society organisations from the two countries should invest in the growth of their human resources, and establish more links with international civil society organisations and transnational advocacy networks.
3. Civil society organisations should consider the formation of a platform where non-profits from the two countries may exchange ideas and best practises (e.g., know-how on grants from philanthropic foundations), and explore the possibility of formalising agreements for volunteer and staff exchanges.

Abstract

When the 2015 refugee crisis broke out, civil societies in Greece and North Macedonia were featuring similar structural weaknesses, such as a lack of professionalism and weak organisational capabilities. In both countries, civil society organisations have benefitted since then from the availability of funding and the interaction and collab-

oration with international non-profits and donors. Yet, they have failed so far to capitalise on these developments in order to substantially enhance their resilience and sustainability. Nevertheless, prospects for cooperation and joint endeavours do exist and should be investigated further in the future.

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A missed opportunity? Civil society organisations in Greece and North Macedonia after the 2015 refugee crisis

Introduction

In 2015, Greece and North Macedonia went in parallel through serious political crises. In Greece's case, the SYRIZA-led government followed a collision course with international creditors that brought the country one step before the escarpment of bankruptcy and an exit from the Eurozone. In North Macedonia, the revelation of the wiretapping scandal caused social unrest and a wave of protests that demanded the resignation of the Gruevski government. While both countries were absorbed with those problems, the refugee crisis broke out. From January 2015 until February 2016, over one million refugees and migrants arrived in Greece from its sea borders with Turkey (Sakellis et al., 2016: 1). Most of those people sought to continue their trip to Central Europe, transiting through North Macedonia. Indicatively, 102,753 people were permitted to cross North Macedonia in just three months, from June 2015 to September 2015. Gevgelija and Tabanovce were the transit centres at that time, where medical assistance was provided to around 800 people per day.¹ The magnitude of the refugee crisis caught the administrations of both states, which maintained limited capacities, off guard. As a result, civil society organisations (CSOs) came in to fill a critical void in the delivery of humanitarian relief.

The magnitude of the refugee crisis caught the administrations of both states, which maintained limited capacities, off guard.

The structural weaknesses of the organised civil societies of Greece and North Macedonia

When the refugee crisis broke out, civil societies in Greece and North Macedonia featured similar structural weaknesses. In Greece, a chronic vulnerability of the third sector has been its dependence on the state. While EU funding has stimulated the emergence of many new non-profits in Greece, the channelling of European Union (EU) funds through state institutions (that set eligibility criteria) has created pitfalls in the third sector's development. Over time, many Greek CSOs successfully expanded their activities to meet emerging needs. However, they neglected to consolidate their internal structures. The lack of organisational capabilities and management skills has been quite apparent for decades and has been underlined as one of the major weaknesses of the third sector in the country (Huliaras, 2014; Valvis et al., 2021).

1 https://reliefweb.int/report/former-yugoslav-republic-macedonia/macedonia-october-1-2015-refugee-crisis-europe?gclid=EAlalQobChMIgaHio8KQ_QIVRfJ3Ch0VCA-taEAAYASAAEgIEZvD_BwE



The economic crisis that erupted in 2009 presented Greek CSOs with an opportunity to play a greater role in the country. It activated new initiatives of collective action, marking the beginning of a new era of solidarity and revival for Greek social capital. In many respects, the inability of state welfare institutions to provide adequate social services urged other social actors, such as traditional institutions of the family, philanthropic organisations, private initiatives, the church, civil society organisations, and informal solidarity networks, to take over and fill in the void (Huliaras, 2015). The diminution of state funding pressed CSOs to get reorganised, compete in a more demanding milieu, and increase their autonomy (Tzifakis et al., 2017). However, it is questionable whether this was enough to cause the transformation of Greek CSOs.

The economic crisis that erupted in 2009 presented Greek CSOs with an opportunity to play a greater role in the country.

In North Macedonia, civil society struggled with its own, not so different, problems. CSOs were in constant effort to achieve institutional stability, ensure continuous and stable funding, and address the challenges posed by a non-supportive constituency (Vandor et al., 2017: 216). Traditionally, many non-profits in North Macedonia have operated in a setting where access to funding is not determined by technical criteria but by the political orientation of CSOs (Ordanoski, 2017: 225). According to a CSO representative from North Macedonia, the problem of corruption is diffused across the political system and the public administration, challenging the operation of non-profits (online interview, 10/04/23). Moreover, since 2009, democratic backsliding has presented an additional challenge to the resilience of politically impartial CSOs in the country (Vandor et al., 2017: 220). The Gruevski-led government restricted freedom of speech and obstructed activities that could threaten the regime's rule. At that time, CSOs became the target of government-led intimidation activities (Ordanoski, 2014). For instance, members of civil society have been recurrently interrogated by the police to give information about their activities.² CSOs also faced a smear campaign that was orchestrated by the then governing regime. Non-profits were accused of being allegedly funded by George Soros or other foreign governments.³ Nevertheless, the political crisis in North Macedonia also presented an opportunity for the rejuvenation of the third sector. Civic engagement showed clear improvement during these years, rendering CSOs resistant to a not so stimulating political and legal framework (Ognenovska, 2015: 90). Indeed, participants from several movements that had been triggered by individual events (e.g., high pollution in Tetovo, an education law reform, and the President's decision to acquit politicians who were accused of corruption) joined forces and struggled collectively against Gruevski's regime (Dražko et al., 2020: 209). Eventually, the 'Colourful Revolution' was crucial in toppling Gruevski as, in the 2016 elections, it convinced many undecided citizens to vote for opposition parties, and it contributed through its campaign to increasing voter turnout by 4% (Rizankoska & Trajkoska, 2019: 22).

Nevertheless, the political crisis in North Macedonia also presented an opportunity for the rejuvenation of the third sector.

2 <https://www.euractiv.com/section/enlargement/news/skopje-authorities-instigating-climate-of-fear-leaked-us-cables/>

3 <https://www.balkancred.net/macedonias-ruling-party-is-draining-civil-society-groups-time-and-money/>



Apart from the externalities already mentioned, CSOs in North Macedonia have also had to deal with their own structural deficiencies. As in the Greek case, CSOs in North Macedonia faced significant organisational challenges. Despite the large sums of EU funds that have been channelled to the country aiming at improving CSOs' operation and effectiveness, low organisational capacity along with limited professionalisation have remained an issue. Although reports back in 2016 indicated that "organizational capacity continued to grow, primarily as a result of the growth in grassroots mobilization", CSOs had limited resources and were unable to make long-term strategies or improve their monitoring and evaluating mechanisms (USAID, 2017: 149).

The refugee crisis as an opportunity

In Greece, the availability of funding that came with the refugee crisis led some small- and medium-sized CSOs to shift their priorities (Valvis et al., 2021). Nevertheless, this trend was not widespread. A few non-profits readjusted their mission, downscaling their support to other vulnerable groups aiming to focus on migrants and refugees. In that context, the presence in the field of international CSOs (e.g., International Rescue Committee, Danish Refugee Council, Oxfam) and their interaction with Greek non-profits were crucial. The training and consulting provided by international CSO officers to their Greek counterparts and their joint efforts to obtain grants from international donors helped Greek non-profits increase their professionalism. However, these transnational partnerships were rather ephemeral, and Greek CSOs did not use the opportunity to strengthen their resilience and organisational capacity. This trend has been registered by an evaluation initiative, named "Thales: Evaluation of Greek NGOs", that was held in two different periods, in 2015 and in 2020. The evaluation, which was carried out by a research team of the University of the Peloponnese, was sectoral (i.e., across different types of CSO activity), and focused on three criteria: efficiency, organisational structure, and transparency.⁴ According to Thales, the organisational capacity of CSOs that were involved in the management of the migration crisis improved slightly during the period under examination. On a scale from 1 to 10, where 1 is the lowest and 10 corresponds to the highest possible score, the organisational capacity of CSOs increased from 5.9 to 6.46 from 2015 to 2020 (see Figure 1). As a member of the Thales research team told us, "we indeed recorded an amelioration of organisational capabilities of CSOs, due to a number of reasons, including the necessity to correspond to formal procedures imposed by international funders and international CSOs. Nevertheless, the significant increase of those CSOs' workload did not allow for more tangible benefits towards that end, with many enhancements staying partially superficial or on just top level management procedures" (in-person interview with Asst. Prof. Sotiris Petropoulos, Director of HIGGS, 18.05.2023).

However, these transnational partnerships were rather ephemeral, and Greek CSOs did not use the opportunity to strengthen their resilience and organisational capacity.

4 <https://www.greekngosnavigator.org/>

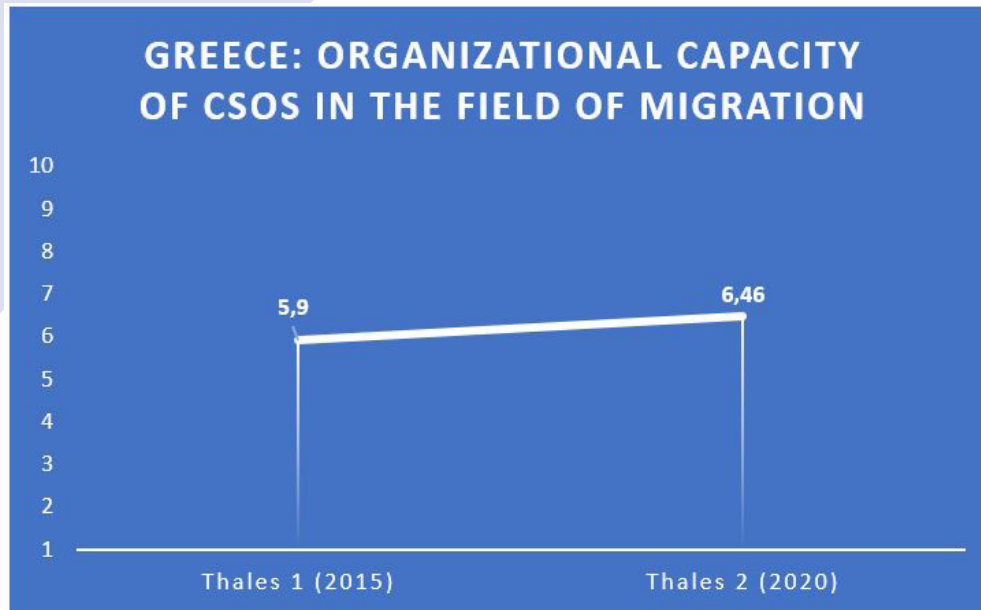


Figure 1: Organizational Capacity of Greek CSOs

In addition, a noteworthy movement of volunteers has been recorded, while several new grassroots organisations have popped up (Boura et al., 2022: 139-140). Although many of the latter were short-lived, a great number of volunteers were absorbed by the CSO sector, increasing the ability of organisations to carry out their work in fields such as human rights advocacy.

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In North Macedonia, the refugee crisis has had a similar effect on the CSO ecosystem. International CSOs came to the country and joined forces with local organisations to provide immediate assistance. Moreover, grassroots movements emerged, such as the initiative 'Help the Refugees in Macedonia',⁵ which started as a Facebook group with no institutional structure and was in due time supported by the UN Refugee Agency (UNHCR). Other CSOs like Legis, the Macedonian Young Lawyers Association (MYLA), La Strada-Open Gate, and Hera were also active in providing various on-site services to the refugees. MYLA was one of the CSOs that gained considerable press coverage, increasing its impact as an advocate of human rights.

However, the interaction of local non-profits in North Macedonia with EU institutions, international organisations, and international CSOs during the refugee crisis did not have a lasting effect on its ecosystem of CSOs. This is evident through a comparative review of the CSO Sustainability Index in the country for the last six years. An insignificant improvement was recorded from 2016 to 2021. On a scale from 1 to 7, where 1 is the highest possible score and 7 corresponds to the lowest level of sustainability, North Macedonia's Sustainability Index improved from 3.9 to 3.6 from 2016 to 2021 (see Figure 2).

5 <https://www.facebook.com/groups/help.mk.refugees/>

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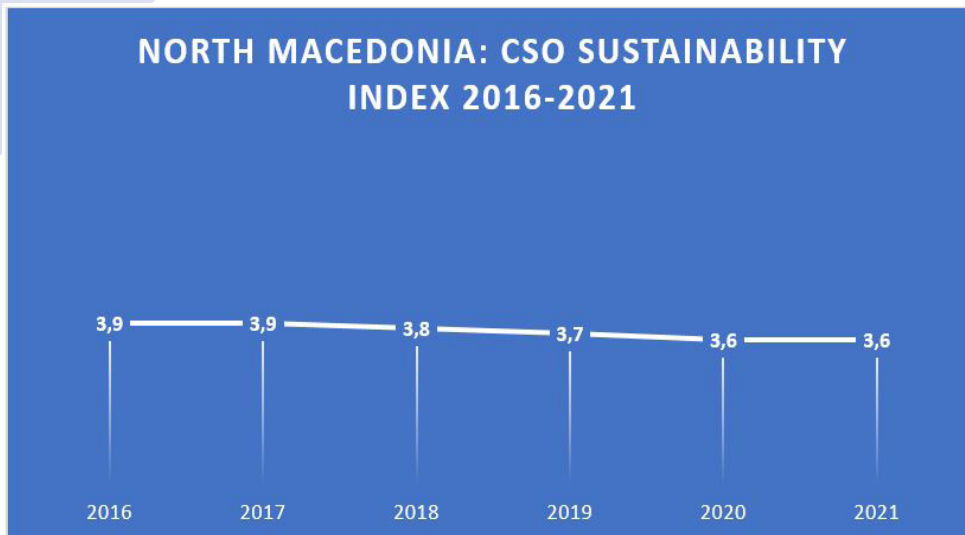


Figure 2: CSO Sustainability Index in North Macedonia 2016-2021.

The methodologies (and scales) of the CSO Sustainability Index and the Thales evaluations are different. Yet both indices pay particular attention to the organisational capacity of CSOs. According to the CSO Sustainability Index reports, the organisational capacity of CSOs in North Macedonia has almost been unchanged, improving slightly from 3.7 to 3.6 from 2016 to 2021 (see Figure 3). However, this anaemic progress cannot be solely attributed to the positive impact of the refugee crisis. It is rather an outcome of various developments in North Macedonia. For instance, the legal environment governing the sector has been refined in 2021 thanks to the adoption of new strategy documents, such as the ‘Strategy for Cooperation with and Development of Civil Society’, as well as the drafting of legislative changes (e.g., in the Criminal Code, see USAID, 2022: 2). Interestingly, the 2022 Report is also critical of the international donor community, mentioning their “limited support for institutional and strategic development, such as financing the drafting of strategic documents, facilitating long-term strategic planning, or targeted staff training” (USAID, 2022: 3).

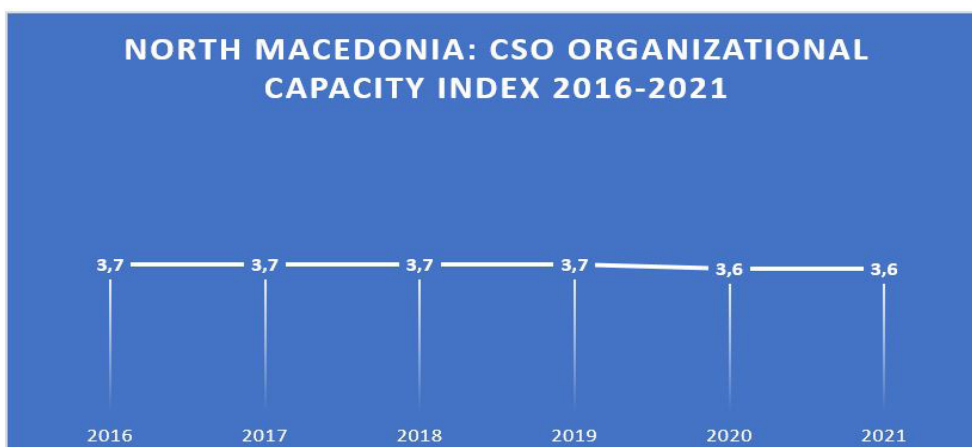


Figure 3: CSO Organizational Index in North Macedonia 2016-2021.



The precarious financial viability of CSOs in both countries impacts the implementation of their strategic goals. Indeed, it is commonly accepted that financial limitations shift CSOs' focus away from implementing long-term strategies and investing in their capacities. CSOs remain entrapped in chasing donor-driven projects, which very often are not even close to their scope and mandate. For instance, in the Greek case, although CSOs like Iliaktida and Praksis lacked expertise in providing accommodation services to refugees, they applied and received funding from international donors for such a purpose (Valvis et al., 2021: 107). While the situation in both countries did not deteriorate because of the refugee crisis, it did not substantially improve either.

CSOs remain entrapped in chasing donor-driven projects, which very often are not even close to their scope and mandate.

The absence of financial viability and security also works as an inhibitory factor in attracting highly skilled staff or retaining the most experienced officers. This was obvious in North Macedonia (USAID, 2021), but even in Greece, the situation was not very different since only well-established CSOs have managed to keep professionals with advanced skills and experience in their teams. The lack of personnel with adequate skills creates an asymmetry in the performance of CSOs. Just a few of their members are able to carry out demanding tasks, and, thus, the workload in these organisations is not distributed evenly. This, in turn, creates more challenges in the internal structures and management of the organisations. In addition, in contrast to large CSOs, small non-profits are not well-placed to gain access to long-term funding support.

The lack of personnel with adequate skills creates an asymmetry in the performance of CSOs.

EU and UNHCR funding for the management of the migration and refugee crises has been widely available for non-profits from both countries since 2015. However, specific requirements accompanying the various calls for proposals have deterred many CSOs (especially the smaller and less organised ones) from applying. The general EU practise of allocating most of its funds to specific actions and projects instead of covering the core expenses (e.g., salaries of permanent staff) of the applicant CSOs has prompted many non-profits to hire external service providers instead of investing in the growth of their own staff. In addition, the short duration of projects financed by the EU and the UNHCR (usually, renewed every six months) complicated the overall operational programming of CSOs (in-person interview with Asst. Prof. Sotiris Petropoulos, Director of HIGGS, 18.05.2023).

These difficulties compel CSOs to place certain demands on the donor community. Generally, non-profits would prefer that donors designate more flexible funding frameworks that would permit the inclusion of core expenses in budget lines as well as transfers of amounts among different budget categories according to emerging needs without excessive justification and time-consuming processes. CSOs also want a continuous flow of information about the level of commitment (in terms of resources and duration) of the donor community to certain humanitarian crises and other contingencies. Lastly, CSOs consider their capacity building and networking as two crucial fields in which the donor community should invest further in the future (in-person interview with Asst. Prof. Sotiris Petropoulos, Director of HIGGS, 26.06.2023).



Interestingly, a step forward for the organised civil society of both states and the establishment of stronger cooperation channels has been made with the “Cooperation for Common Future”⁶ Programme. It concerns an initiative aiming at the growth of cooperation linkages between the youth of the two countries. It has capitalised on the 2018 Prespa Agreement, and it is supported by the US Embassy in Skopje and the Stability Pact for Southeastern Europe. However, there is a lot of room for improvement given that the political interest, particularly from the side of Greece, to support the initiative has been limited so far.

Interestingly, a step forward for the organised civil society of both states and the establishment of stronger cooperation channels has been made with the “Cooperation for Common Future” Programme.

Conclusions and policy recommendations

The 2015 refugee crisis led to the reinvigoration of civic activism in both countries. An increase in public support to the activities of non-profits and some improvements in the professionalism of CSOs have been documented. However, it is quite questionable whether these changes have had a lasting impact on the empowerment of CSOs. Non-profits are criticised for having become more funding-driven than value-oriented actors. While CSOs in Greece and North Macedonia benefited from the availability of greater amounts of funds to manage the refugee crisis, they failed to capitalise on this context to increase their resilience and improve their organisational capacity.

However, some positive signs in the organised civil societies of both countries do exist. These, among others, include a successful advocacy campaign in North Macedonia about the prevention of changes to the Electoral Code that could hamper independent civic lists and the pressure by Greek environmental CSOs on the Greek government to pursue more ambitious goals. Another step forward is the establishment of stronger collaboration between CSOs from the two countries, starting with the “Cooperation for Common Future” programme, which supports the growth of cooperation linkages between the youth of the two countries. Yet, the role of CSOs in the public sphere in both countries could improve. To this end:

The EU should:

- Increase the funds in support of the resilience of CSOs (e.g., core expenses) and earmark funds exclusively for CSO capacity building.
- Support transnational civil society links and exchanges between Greek and North Macedonian CSOs to encourage the multiplication of collaboration initiatives among the two sides.

Greece and North Macedonia should:

- Improve the legal framework to stimulate the growth of their respective organised civil societies.

6 <https://www.c4cf.org/>



- Systematically involve CSOs in consultation processes on institutional reforms.

CSOs from these countries should:

- Become less funding-driven and pursue their own priorities.
- Adopt long-term strategies and invest in the growth of their human resources.
- Establish more links with international CSOs and transnational advocacy networks.
- Consider the formation of a civil society platform where non-profits from the two countries may exchange ideas and best practises (e.g., know-how on grants from philanthropic foundations), and explore the possibility of formalising agreements for volunteer and staff exchanges.

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By Anna Krasteva
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Citizens vs. Elites: Symbolic Battles Over the Uses of Political Crises in Bulgaria

Policy Recommendations

1. New parties with reformist ambitions, such as *We Continue the Change*, should seek European legitimisation by joining European political families.
2. Protest parties, which are stronger in opposition, should also learn to govern in order to be able to translate protesting citizens' expectations into policies.
3. Active citizens should regularly, and not only through protests and elections, control elites by diversifying the forms of accountability of elites' responses to the various crises.

Abstract

The Policy Brief analyses the symbolic battles between elites and citizens for framing and dominating political crises. Four crises are examined, compared, and mapped along the axes of democracy/post-democracy and civic activism/populist mobilisations. The financial and political crisis of 1997 is the only one that reformist elites and citizens together managed to turn into transform-

ative change. The migration crisis of 2015–2016 consolidated the mainstreaming of populism. The protests of 2020 expressed the maturity of civic activism against oligarchisation and state capture. The 2021–2023 political crisis created by the elites has been virtuously used by them for their own benefit to whitewash their image from purveyor of corruption to guarantor of stability.



Citizens vs. Elites: Symbolic Battles Over the Uses of Political Crises in Bulgaria

Introduction

Crisis after crisis, or how the exceptional becomes the most constant and the crisis – the new normality (Bauman & Bordon, 2004; Krasteva, 2019), is the starting point of the analysis. This Policy Brief addresses the question: How do elites and citizens address, use, or lose political crises? It is structured in three parts. The first part outlines the conceptual history of crisis from ‘the end of history’ to a mega-metaphor of contemporary society. The second part examines four crises in Bulgaria. The conclusion maps the crises along the axes of democracy/post-democracy and civic activism/populist mobilisations.

The choice of crises was indeed difficult – how to choose the most significant ones among the huge variety and number of crises? Three criteria determined the selection: being emblematic and marking key transitions and trends in the Bulgaria’s thirty-year post-communist period; being of different types; and showing different constellations of elites and citizens as winners or losers of the crises.

Four crises are at the centre of the present analysis:

- 1997: economic bankruptcy of the state by the post-communist communist elites;
- 2015–2016: migration “crisis” caused by geopolitical factors but successfully instrumentalised by the national populist elites;
- 2020: post-democratic crisis of state capture by oligarchic elites;
- 2021–2023: political crisis of an “avalanche” of snap elections and inability to form a regular government.

Crisis: from the “end of history” to the mega-metaphor of contemporary society

The 20th century ended with a radical non-crisis discourse: Francis Fukuyama’s (1992) “end of history” expresses the triumph of democracy and globalisation, their victory over aberrations like communism, the advancement of politics and society towards a shared horizon. The 21st century has replaced Fukuyama’s triumphant optimism with Zygmunt Bauman’s “state of crisis” (Bauman and Bordon, 2004) as a mega-metaphor for contemporary society and “a structural signature of modernity” (Reinhart Koselleck) (Schulz, 2017, p. 10).

From a deformation, the crisis becomes the new normality: “We must learn to live with the crisis, just as we are resigned to living with so much endemic adversity



imposed on us by the evolution of the times: pollution, noise, corruption, and, above all, fear" (Bauman & Bordon, 2004, p. 7).

Post-communist bankruptcy of the state by post-communist communist elites: citizens and reformist elites for a transformative change

"Post-communist communist elites" is an oxymoron, but it is relevant to the paradoxes of [Bulgaria's] long and non-linear democratic transition. The post-communist elites were elected in pluralist elections. But just as the communist elites wrecked the economy and the state, so too have the post-communist communist elites, who came back to power, bankrupted the economy and the state.

The year is 1997. Inflation has reached a staggering hike of 300%, the average wage has plummeted to 5 USD a month, families that have saved for a decade for an apartment can only buy a fridge, and the link between past and future has been brutally severed, leaving a bleak and dismal present of total crisis. At the opposite pole, the so-called credit millionaires, who had gotten rich from the millions uncontrollably handed out by the banks, further benefit from the crisis, which has melted their debts away. Fifteen banks have gone bust. A "grain crisis" has broken out: more grain is exported and sold than the amount needed to produce bread in the country. Bulgaria has descended into economic collapse; the crisis is multifaceted: economic, financial, grain, and political. The opposition declares a national political strike, calls for civil disobedience, and organises a protest march on the National Assembly. Angry citizens stormed Bulgaria's Parliament on 10 January 1997.

Citizens and reformist elites walked hand-in-hand – in the literal sense – at the thousands-strong protest marches headed by the leaders of the opposition *United Democratic Forces (ODS)* and in the long-term political sense of the common goal of resolving the crisis, ending the post-communist period, and firmly setting Bulgaria on a democratic path. The electoral expression of this unity was explicit and unequivocal: in the early parliamentary elections on 19 April 1997, the *United Democratic Forces* won an absolute majority of 52.26%.

In the deep, multifaceted crisis of 1997, citizens and reformist elites united in a coalition for transformative change.

This crisis marked the end of the post-communist transition. Two indicators reveal the depth of the change: the beginning of the *Bulgarian Socialist Party's* decline, and Bulgaria's European path and its support by the majority of citizens. Unlike in other post-communist countries, the former communist party, renamed the *Bulgarian Socialist Party (BSP)*, had remained on the political scene and had won elections – the first democratic elections in 1990 and those in 1994. After bankrupting the economy and the state, the BSP began to decline and today has single-digit support. Bulgaria embarked on a democratic path from which neither populism nor post-democracy have been able to significantly divert it.

In the deep, multifaceted crisis of 1997, citizens and reformist elites united in a coalition for transformative change.



Migration crisis: identity politics or winner takes all?

The years are 2015–2016. Bulgaria, like the Western Balkans and European countries, is in the throes of a migrant crisis, with refugee flows increasing tenfold. Then, as now, Bulgaria is a transit destination; there is no significant increase in integration-related challenges, and the percentage of migrants remains insignificant – around 2% of the population. Despite the insignificant percentage of migrants, the migrant crisis marks a key victory for populist elites. The actors change – while some leaders and parties depart from the political scene, new ones appear – but populism, firstly, has become “Europeanised”, and secondly, it continues to have a lasting and strong impact on the larger mainstream parties.

Despite the insignificant percentage of migrants, the migrant crisis marks a key victory for populist elites.

Bulgarian populism is a paradoxical phenomenon: it was not a major player during the most fragile democracy of the post-communist transition. It emerged relatively late, in 2005, but stormed its way into both the political and parliamentary scene with the party with the telling name *Ataka* (Attack). Today, both *Ataka* and its leader have long since become part of Bulgaria’s turbulent post-communist history, but populism continues to be part of the country’s political present with the new party in electoral ascendancy, *Vazrazhdane* (Revival). The initial target of Bulgarian populism was the Roma, who were rapidly criminalised and marginalised. This target continues to mobilise fans and voters to this day, but the migrant crisis was a turning point in re-designing Bulgarian populism, at which migrants were assigned a central place in the arsenal of haters. I summarise this transition with the paradox, “If migrant crises did not exist, they would have been invented by populist elites” (Krasteva, 2019).

Bulgarian populism is a paradoxical phenomenon: it was not a major player during the most fragile democracy of the post-communist transition.

Bulgaria’s populist elites embraced the migration ‘crisis’ and successfully achieved several results. The first is “Europeanisation” – they have naturally continued to fervently attack Brussels, but they have gotten closer to European populists, whose central targets are migrants. The second change is the continuous production of populist migrant crises, even in periods of small migration flows: election campaigns are opened in a small town with a refugee centre; a Catholic priest who sheltered a Syrian refugee family is forced to leave the country; anti-refugee mobilisations are simulated with a few local nationalists and more vocal haters brought in from elsewhere. The third change is the most significant: the political influence of populism has substantially exceeded its electoral weight, which remains below 15% for now. The mainstreaming of populism is omnipresent: identity politics is promoted, the Bordering/Othering/Ordering triad (van Houtum & van Naerssen, 2002) is generalised – that is, there is an overproduction of ethnic, religious, and symbolic boundaries and differences, as well as the message “There is a place for everyone, but everyone should know their place”. Mainstream parties such as the BSP have fully accepted this political rhetoric; other parties do not offer alternative discourses.

Populist elites are the winners in the symbolic uses of the migrant crisis (later, of the pandemic) and have assumed the self-complacent role of “winner takes all”.



Mainstream parties such as the BSP have fully accepted this political rhetoric; other parties do not offer alternative discourses.

Where, in this political scene dominated by mainstream populism, are the citizens? At the very beginning of the migrant crisis, they managed to mobilise for humanitarian action. This activism quickly waned, civic activists for rights and solidarity were turned into yet another populist target and declared national traitors and foreign agents. I would summarise the evolution of their public image, following Carl Schmitt, as a transformation from friends of democratisation to foes of populist securitisation.

Occupy Bulgaria against oligarchisation and state capture

Summer 2020. Prosecutors raid the President's Office with armed police officers to arrest a presidential advisor (who will later be acquitted). The force demonstrated is completely inconsistent with the purpose of the operation and the total unlikelihood that the suspected senior government official might resist arrest in the well-guarded building. The citizenry erupts in indignation and gathers in large numbers in the square in front of the President's Office. Not to defend the president himself, who deftly tries to ride the wave of civil discontent, but the institution and institutional order itself.

The protests went beyond the mere resignation of the Prosecutor General and demanded a fundamental reform: the convocation of a Grand National Assembly to amend the Constitution regarding the judiciary. The reform of the judiciary should even precede the political transformation. As a protestor pointed out: "It doesn't matter who rules if there is no independent prosecutor's office to work for the rights of the people, not the oligarchs and the mafia" (Krasteva, 2020).

The protests aimed at political transformation, not only resignation. The protesting citizens and the multitude who supported them were fighting against oligarchisation, endemic corruption, and state capture. "Systemic change, not replacement", demanded another protestor. A protester summarised the "total" protest for radical transformation: "against the violation of law, against the authoritarian, pseudo-democratic power linked to the mafia, against the politicisation of all spheres of life, against the status quo, and against conformity with the status quo, which cries 'everyone is a bad guy, what to do?'" (Krasteva, 2020).

The protesting citizens and the multitude who supported them were fighting against oligarchisation, endemic corruption, and state capture.

The protests did not immediately achieve their specific goals - the resignations of Prime Minister Boyko Borissov and Prosecutor General Ivan Geshev - but they achieved two significant political results:

- They catalysed the creation of the party *We Continue the Change* as a party actor to fight post-democratic state capture.
- They consolidated the culture of civic activism and contestatory citizenship as grassroots mobilisations against political crises and for holding elites accountable.



From crisis to crisis: hopeless citizens, happy elites

From elections to elections, political impasse, and the political impotence of the parliamentary elites unable to form a government and transform election results into governance. In the short period of two years, from 4 April 2021 to 2 April 2023, Bulgaria's citizens were sent to the polls to vote in six elections: five snap general elections and one presidential election. In terms of party history, this period is extremely interesting; it saw the emergence of a new protest, mildly populist, party, *There Is Such a People (ITN)*, which in a matter of months became the leading political force, only to plunge in the polls, drop out of one National Assembly, and re-enter the next one. No less dramatic was the fate of the newly founded party *We Continue the Change*, which was elected on the promise of radically fighting state capture. It managed to form a government but ruled the country for just six months between December 2021 and June 2022. The *GERB (Citizens for European Development of Bulgaria)* party, the personification of the status quo and state capture that was the target of the 2020 protests, lost some elections but managed to take the lead once again in the last elections. At the time of writing, Parliament is once again in limbo, and it is not clear whether it will succeed in electing a government or whether the country will go to the polls again soon.

Citizens are overwhelmed and exhausted by constant elections; there is no energy for activism or mobilising causes.

The rise and fall of parties in record time will long be analysed in political science publications. For the present analysis, the key question is: who is winning the symbolic battle for the use of this parliamentary, constitutional, and governance crisis? The key paradox is that those who are benefiting from this crisis, which has been entirely and solely created by the political elites, are precisely the political elites. Citizens are overwhelmed and exhausted by constant elections; there is no energy for activism or mobilising causes.

The biggest winner is President Rumen Radev. The most dramatic result of the parliamentary crisis is the consolidation of the power of the president, who is ruling the country through caretaker governments without any parliamentary control and is using this enormous power to reorient Bulgaria's geopolitical Euro-Atlantic orientation. Rumen Radev is not Viktor Orbán and Bulgaria is not Hungary, but the political crisis is escalating into a constitutional crisis as the country is moving from a parliamentary republic towards presidential rule.

The biggest winner is President Rumen Radev.

The other winners are the bearers of populism and post-democracy. The far-right *Vazrazhdane* is gaining political capital from its anti-establishment rhetoric against all other elites, who fully deserve such criticism, though not from leaders who are aggravating the crisis. Boyko Borissov, the longest-serving post-communist leader, is using the crisis very shrewdly to make public opinion forget both his personal and party responsibility for state capture, and Bulgaria's persistent place as the poorest and most corrupt country in the EU. Citizens' natural desire for stability is being used to make public opinion accept the return to power of those responsible for Bulgaria's post-democratic oligarchisation.

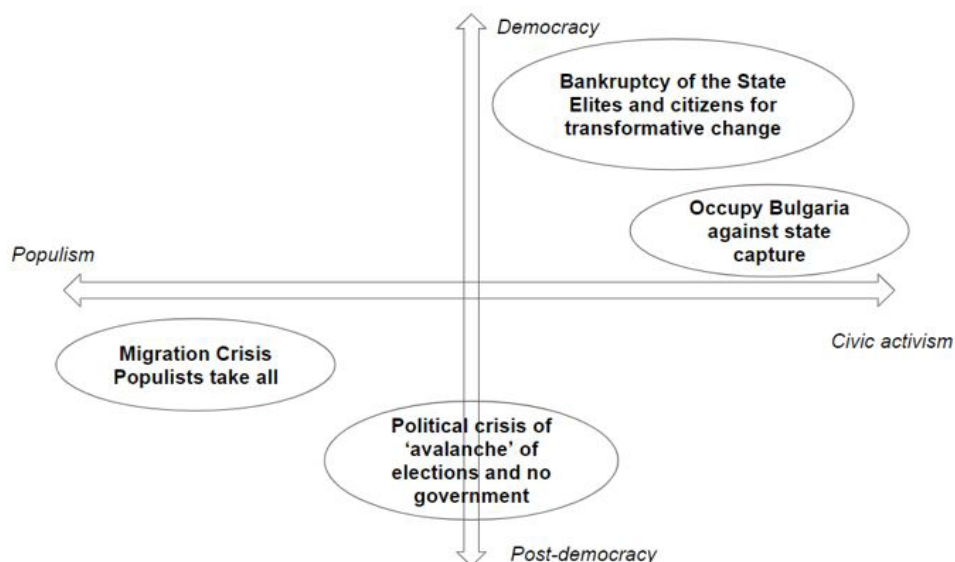
Winners and losers in the symbolic battles to dominate the political crises

The crises are permanent; what has changed are the actors benefiting from the symbolic battles between elites and citizens for their domination.

The financial and political crisis of 1997 is the only one that reformist elites and citizens together managed to turn into transformative change so as to break with the communist past and firmly embark on the path of Euro-Atlantic integration. The migrant crisis of 2015–2016 consolidated the populist parties' symbolic power, which substantially exceeds their electoral results, as well as their ability to frame and lead public debates on identity politics. The protests of 2020 expressed the maturity of civic activism as a continuation of green and mass mobilisations, the citizens' ability to stand up against Bulgaria's oligarchisation and state capture. The 2021–2023 political crisis of an "avalanche" of elections created by the elites unable to form a government has been virtuously used by themselves for their own benefit to whitewash their image from purveyor of corruption to guarantor of stability.

Period	Type of crisis	Winner/s of the symbolic battle for the crisis	Outcomes
1997	Multifaceted crisis - financial, grain, economic and political crisis	Citizens and reformist elites	Transformative change Firm Euro-Atlantic orientation
2015-2016	Migrant crisis	Populist elites	Mainstreaming of populism Deepening of Bordering/Othering/Ordering Human rights activists - from friends to foes
2020	Occupy Bulgaria Protests against state capture	Contestatory citizens	Party of the protest Anti-corruption government
2021-2023	Snap elections after snap elections	Elites of status quo	Return of elites responsible for state capture Immobilisation of citizens Rise and fall of new elites

The following diagram maps the crises along two axes: democracy/post-democracy and civic activism/populism:





The analysis of four emblematic crises in Bulgaria and the symbolic battles of elites and citizens for their symbolic domination shows a lack of linearity.

Elites and citizens for transformative change, as well as *Occupy Bulgaria* against state capture, are located in the field framed by democracy and civic activism. The populist instrumentalisation of the migration crisis is in the field between post-democracy and populist mobilisations. The political crisis of an "avalanche" of elections and governance without a regular government, signifying the return of the status-quo elite responsible for state capture, is located along the axis of deepening post-democratic trends.

The analysis of four emblematic crises in Bulgaria and the symbolic battles of elites and citizens for their symbolic domination shows a lack of linearity. Reformist elites have managed in some cases to transform the crisis into a catalyst for positive changes, but in recent years the winners have turned out to be populist and post-communist elites. At the moment this text is being finalised, Bulgaria is once again flooded with protests. The occasion is particularly cruel domestic violence, and the reason is the inadequate and irresponsible reaction of the institutions, which, with inaction, incompetence, and irresponsibility, in practise protect not the victim, but the aggressor. The mass mobilisations in multiple cities demonstrate the maturity of a citizenry that, albeit after years of relative passivity, is capable of mobilising to demand elite accountability and swift changes in the interests of citizens. Contestatory citizenship is a shield against post-democratic institutions and irresponsible rulers, producing crises instead of resolving them.

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Keywords

Bulgaria, elites, citizens, crisis, state capture, democracy, post-democracy, populism, civic activism

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By Ardian Hackaj
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Convergence of the Western Balkans towards the EU: from enlargement to cohesion

Policy Recommendations

1. Every change affecting the Western Balkan reforms and convergence dynamics towards the EU must be designed by taking into account the “space”, meaning territory, the local institutions that have the capacity to implement the reform forward, and the people.
2. The enlargement dynamics and in-built connectivity with the EU provide the rails along which Western Balkan countries will develop. However, in an ever-changing world, we must be aware of competing models of development that interact with each node of the Western Balkans triangle (space, institutions, and people).
3. People (civil society organisations, small and medium-sized enterprises, academia, or other interest groups) have to be at the centre of all policies in order to ensure democratic institutions.

Abstract

There is a gap between the six countries of the Western Balkans (WB6) and their partners in the European Union (EU) in human capital, the quality of its infrastructure, the structure of the economy, and the quality of local institutions, factors that condition the WB6 growth rate. The speed of WB6 convergence towards the EU defines the pace of enlargement progress.

All WB6 countries are fully engaged in progressing in the main reform areas that are transforming their institutions, developing their economies, and improving the quality of life of their citizens, and the European Union, through its en-

largement mechanism and funding, is supporting them to make these necessary advancements. But on their way to membership, WB6 economies must grow quickly to catch up with their EU peers, and local infrastructure must be upgraded and extended.

This Policy Brief creates a methodological framework that links the local infrastructure, domestic institutions, and people, allowing us to understand the dynamics and complexity of sustainable and resilient development paths as well as identify entry points for the WB6 and EU policy-makers.



Convergence of the Western Balkans towards the EU: from enlargement to cohesion

Introduction

The main impediments to growth in the six countries of the Western Balkans (WB6) as defined by international financial institutions and other organisations, are the endowment of the region in human capital, the quality of its infrastructure, the structure of the economy, and the quality of local institutions.¹ The size of the gap between the Western Balkans (WB) and their partners in the European Union (EU) in each of the above-mentioned factors determine the WB6 growth rate (and the growth differential) between the two blocs. The speed of WB6 convergence towards the EU defines the pace of enlargement progress.

WB6 citizens should enjoy employment, good health services, education, and social services and must keep their institutions accountable.

All WB6 countries are engaged in reforms that are transforming their institutions, developing their economies, and improving the quality of life of their citizens. The EU, through its enlargement mechanism, is supporting them. But on their way to membership, WB6 economies must grow quickly to catch up with their EU peers, and local infrastructure must be upgraded and extended. Domestic institutions should complete the reforms and also deliver on the rule of law, justice reform, the fight against corruption and organised crime, as well as security and fundamental rights. WB6 citizens should enjoy employment, good health services, education, and social services and must keep their institutions accountable.

But can all this be done at the same time? Can we have privileged entry points for policy-makers? Who are the good actors for change? What should the mechanisms of change be? What are the pitfalls to be avoided? How do we make the outcomes irreversible?

1 For instance, see:
Ilahi, N. et al., Lifting Growth in the Western Balkans, IMF 2019. <https://www.imf.org/en/Publications/Departmental-Papers-Policy-Papers/Issues/2019/11/11/Lifting-Growth-in-the-Western-Balkans-The-Role-of-Global-Value-Chains-and-Services-Exports-46860>
Sanfey, P. et al., How the Western Balkans can catch up, EBRD 2016. <https://www.ebrd.com/news/2016/how-the-western-balkans-can-catch-up.html>
Government at a Glance - Western Balkans, OECD 2020. <https://www.oecd.org/fr/gov/government-at-a-glance-western-balkans-a8c72f1b-en.htm>
An Economic and Investment Plan for the Western Balkans, European Commission 2020. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1811

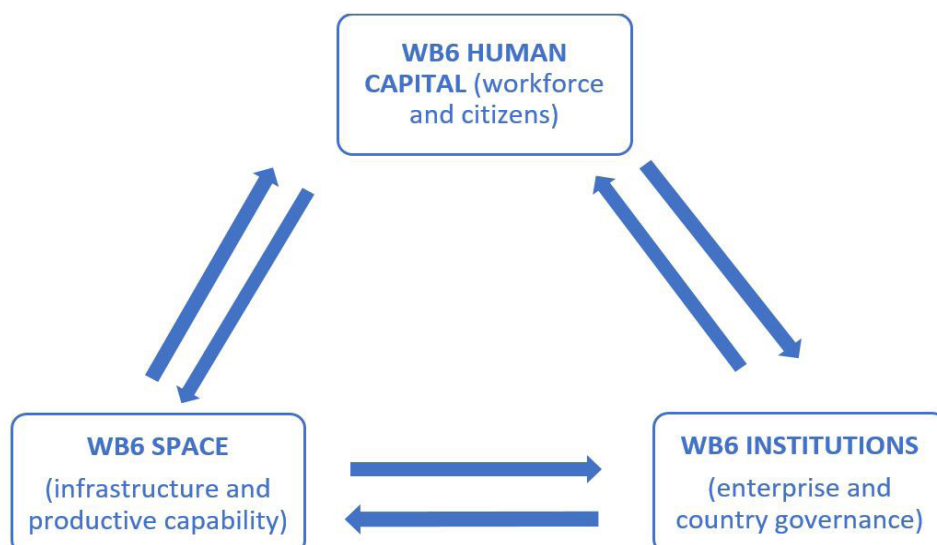
Interconnectedness of “space”, people, and institutions

The COVID-19 shock provided a life-test of the resilience of the WB6 development model. During the pandemic, it became evident that to make available to their population the needed medical equipment and supplies, WB6 national institutions were forced to closely and quickly coordinate with each other. To contain the spread of the virus and respect quarantine measures, citizens had to respect the decisions of their governments. To be respected, such decisions needed to be perceived as legitimate (i.e., as protecting the interests of citizens and as being the best available options under the circumstances).

People are a key element in ensuring democratic institutions and, subsequently, democratic countries.

Thus, while studying the interaction between connectivity and the development of a territory, three systemic elements appear. First is the “space”, as defined by the endowment of the territory in production capability and in connective infrastructure (transport, energy, and data). Second are the local “institutions”, which, in a simplified definition, would be the “structures and mechanisms of social order and cooperation governing the behaviour of a set of individuals” materialised in the array of both public and privately owned organisations. The way domestic institutions are set up, function, and deliver defines the efficiency of policy-making and increases or hampers any endowment that a country has in infrastructure or production capability. The third element is the local “people”. As workforce, they are a key factor in growth, while as citizens, they keep local institutions accountable, efficient, and democratic. People are a key element in ensuring democratic institutions and, subsequently, democratic countries.

Those three elements can be represented in a triangle where the nodes of space, people, and institutions permanently interact with and impact each other. Once the WB is seen as an integral part of a system, the interconnectedness between roads, global value chains, institutional good governance, and levels of education becomes evident.





The challenge for policy-makers is to identify actions that induce a “Pareto improvement”² in the space-institutions-people system in the long term: i.e., a positive improvement in one node without negatively impacting the rest of the triangle. To be realistic, the impact assessment of any intervention should include the three nodes, even if the planned action happens only in one of them. For the change to be durable, we need to factor in the induced change, resilience, and sustainability in each node and, at the same time, the resilience of the whole triangle.

To be realistic, the impact assessment of any intervention should include the three nodes, even if the planned action happens only in one of them.

Contribution of enlargement

While permanently linked with each other, each node is in contact with and interacts with other triangles. In a highly globalised world, interaction with the exterior is one of the most common ways of inducing change in a selected triangle, be it in space, human resources, or institutions. Below, we present some illustrative cases of how different WB6 nodes interact with selected third actors. The selected examples are not representative and serve only didactic purposes.

The WB6 countries are committed to their EU membership, and the EU is currently the only third actor that, through the enlargement process, has an official permanent linking mechanism with all three nodes of the WB6 triangle. In the following Policy Brief, we will stay at the EU level and not focus on the interaction of WB6 countries with specific EU member states,³ EU regions⁴ or other EU-linked actors such as big companies or international finance institutions.

In the **space node**, two examples illustrate the systemic connections with the EU: the extension of the EU Trans-European Transport and Energy Networks in the WB6 and the participation of the WB6 economy in EU value chains. By design, the “WB6 Connectivity Agenda” is an “indicative extension” of the

- 2 A Pareto improvement occurs under the rubric of neoclassical economic theory when a change in distribution harms no one and helps at least one person, given the initial allocation of goods for a set of persons. The theory suggests that improvements to Pareto will continue to enhance an economy’s value until it achieves a Pareto equilibrium, where improvements to Pareto are no longer possible. For further information, see: <https://cleartax.in/g/terms/pareto-improvement>
- 3 See some useful literature on connectivity between a member state and an WB6 country: Armakolas, I. et al., Broadening Multilevel Connectivity Between Greece and North Macedonia in the Post-Prespa Environment, ELIAMEP. <https://www.eliamep.gr/en/publication/διευρύνοντας-την-πολυεπίπεδη-διασuv/>
Bergantino, A. et al., The Adriatic Beltway: Transport Connectivity in Adriatic Area. https://sagov.italy-albania-montenegro.eu/sites/sagov.italy-albania-montenegro.eu/files/2020-09/Transport%20Connectivity%20in%20South%20Adriatic%20Area_The%20Adriatic%20Beltway_2020.pdf
- 4 For an overview of connectivity in the space node between the WB6 and EU regions as applied to the maritime dimension, WB South Adriatic Connectivity Governance (SA-GOV). See: <https://connectivity.cdinstitute.eu>



EU's,⁵ while the Peninsula's economy is de-facto part of the EU's. In 2017, the WB6 had "73% of their total goods trade with the EU within an almost completely liberalized trade regime. Between 75-90% of their banking systems are foreign-owned (mainly by German, Italian, French, Austrian and Greek banks)".⁶

In support of a speedier convergence, the European Commission has adopted an Economic and Investment Plan (EIP) worth €9 billion in grants (and up to €20 billion in loans). EIP also contains a list of 10 flagship projects designed to cover the main sectors and all the WB6 countries.

To better channel EU aid in the region, different proposals include the reinstatement of an EU Agency for Reconstruction and Development in the WB6 region, the establishment of a joint regional Western Balkan Investment Committee equipped with supra-national powers, or the set-up of a regional Western Balkan Regional Infrastructure Fund.⁷

The next target of EU intervention in WB6 is the capacity-building of public **institutions**.

However, EU institution-building actions do not deliver the intended outcomes because domestic South-East European state institutions have poor governance quality, are captured, or their leaders lack the political will for reform. "Funds from the EU's Instrument for Pre-accession Assistance range from around 40 million euro a year for Montenegro to 200 million euro for Serbia and are directed almost entirely to supporting administrative and other institutional reforms without sufficiently taking account of the enormous development gap between the Western Balkans and the EU."⁸ The EU-supported public administration reforms have only partially addressed elements of institutional good governance, mostly focusing on capacity-building projects that assist them in improving their deliverables (or on output legitimacy elements).

Further, we estimate that the role of European enterprises as vectors of change capable of improving WB6 corporate management practises and governance models has not been fully utilised. EU companies are key to the development of WB6 productive capacities, the inclusion of the peninsula in the European global value chains⁹ and the adoption of new technologies. Innovative supporting schemes should be devised and adopted to encourage EU companies to be more active in the WB6, beyond market access. Given the embeddedness of the WB6 economy in that of the EU, Union industrial policy should contain at least a chapter on the WB6, and adapted policy measures should be foreseen and budgeted.

5 International relations - Western Balkans, Mobility and Transport, European Commission: https://ec.europa.eu/transport/themes/international/enlargement/western-balkans_en.

6 Bonomi, M., Reljic, D., The EU and the Western Balkans: So Near and Yet So Far, SWP Comments 53, December 2017. https://www.swp-berlin.org/publications/products/comments/2017C53_rlc_Bonomi.pdf

7 Grieveson, R., Holzner, M., Investment in the Western Balkans. New Directions and Financial Constraints in Infrastructure Investment, wiiw, November 2018. <https://wiiw.ac.at/investment-in-the-western-balkans-dlp-4705.pdf>

8 The EU and the Western Balkans: So Near and Yet So Far, op cit.

9 To stay competitive, enterprises increasingly organise their production globally, breaking up their value chains into smaller parts supplied by a growing number of providers located worldwide. International sourcing of business functions is a key feature of global value chains (GVCs) as European businesses increasingly globalise their production processes. For further information, for instance, see: https://en.wikipedia.org/wiki/Global_value_chain



Innovative supporting schemes should be devised and adopted to encourage EU companies to be more active in the WB6, beyond market access.

Until now, EU infrastructure support has been designed separately from WB6 institutional reforms. The dependency of implementation of the Connectivity Agenda on the quality of WB6 institutions, on their legitimacy and good governance mechanisms, as well as the infrastructure's own impact on local institutions, has not been strategically assessed.¹⁰ International finance institutions (IFIs) do not vet the good governance mechanisms, skills, or competences of WB6 public institutions in charge of infrastructure before allocating EU grants or approving loans. On the other side, the contribution of domestic non-state actors – civil society organisations, small and medium-sized enterprises, academia, or other interest groups – has been limited to their consultative and “watchdog” roles.

With regard to the **people node**, a very visible interaction in EU-WB6 is between education and emigration. In education, there are different European programmes available for WB6 students and researchers, such as Erasmus+ or Horizon 2020. Regarding emigration, on the positive side, emigrating to the EU allows WB6 citizens to realise their life aspirations and, through remittances, contributes to the WB6 balance of payments. On the negative side, it deprives WB6 economies of their best and most productive elements and society of its middle class, i.e., the most educated and engaged citizens.

With regard to the people node, a very visible interaction in EU-WB6 is between education and emigration.

In enlargement, the EU uses the intergovernmental model of interacting with the WB6 countries. This explains the preponderant role of the institution node in EU-WB6 interactions, and especially of state institutions. But when domestic state institutions are captured or are incompetent, they distort all the intended EU impact in the WB6 triangle.

The EU is a systemic actor supporting the WB6 in its reforms and development path. It supports the WB6 in space, in people, or in institutions (through institution building), but those interventions are not comprehensively aligned with the EU's own growth policies or interconnected amongst themselves.

When domestic state institutions are captured or are incompetent, they distort all the intended EU impact in the WB6 triangle.

Conclusion

By putting space, people, and institutions in one system, we have tried to present all these challenges in one plan, underline their interconnectedness and complexity, and

10 For more details on interaction between Connectivity Agenda and governance, see: Hackaj, A., Hackaj, K., Berlin Process: Implementation of Connectivity and Institutional Governance, CDI, March 2019. https://www.connectwith.eu.al/wp-content/uploads/bsk-pdf-manager/2019/07/CDI_Berlin-Process_April2019.pdf



provide elements of reflection useful for policy-makers. By looking at it as one system, we have drawn some preliminary conclusions.

First, to be virtuous and resilient, any change affecting the WB6 reforms and convergence dynamics towards the EU must be designed by taking into account all three nodes of the triangle. The resulting policies should be spread out from a long-term perspective and include sustainability and resilience factors on top of efficiency. Second, the enlargement dynamics and in-built connectivity with the EU provide the rails along which WB6 countries will develop. However, in an ever-changing and hyper-connected world, we must be aware of competing models of development that interact with each node of our WB6 triangle.

Finally, this is, of course, only a modest first step in adopting a comprehensive development approach adapted to the very specific WB6 situation. As such, its goal is to set up some - useful - reference points that can hopefully serve to initiate a broad and inclusive reflection on the development of this part of Europe in the years to come.



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Ardian Hackaj is Director of Research at Cooperation and Development Institute, Tirana, and coordinator of Tirana Connectivity Forum. He has authored research on the Berlin Process, EU Connectivity Agenda, Belt & Road Initiative, Western Balkans 6 institutional reforms, etc. During his career he has held management positions at the College of Europe-Bruges, the International Organization for Migration, the United Nations, and with the EU Commission. He holds an MA from College of Europe, a Maîtrise in International Economics from the Université Lumière, Lyon II, and a Diplôme Universitaire from the Institut d'Etudes Politiques, Lyon.

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Keywords

Berlin Process, Connectivity Agenda, European Union, Institutional Governance, Democracy, Western Balkans

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By Matteo Bonomi, Irene Rusconi
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From EU 'enlargement fatigue' to 'enlargement enthusiasm'?

Policy Recommendations

1. Understanding the links between public opinion and EU enlargement – as well as reforms in the EU more generally – is indispensable for assessing the EU integration capacity.
2. Recent Eurobarometer surveys have registered an unprecedentedly high number of EU citizens in favour of new EU enlargements, suggesting that this might be the right time for decision-makers in Brussels to embark on a bold reform of EU enlargement policy in order to put this policy on a more effective and sustainable path.
3. Past experiences suggest that opinions on EU enlargement, both among the general public and political elites, are quite volatile and that the current consensus over enlargement might erode rather quickly. Hence, this window of opportunity for reforms of EU enlargement policy might close soon if the opportunity is not utilised in the right way.

Abstract

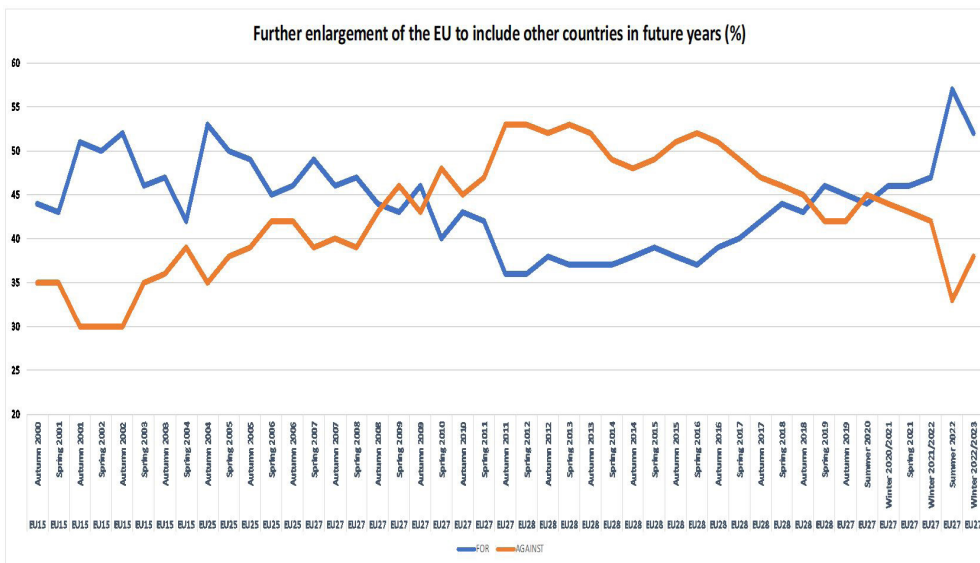
Eurobarometer trends show a 'critical juncture' in EU enlargement policy. The long-term unfavourable trends toward the admission of new members have been reversed, with EU citizens in favour today being greater than those against. In the same fashion as the 2004 enlargement was framed through the identity argument for the purpose of reuniting Europe after the end of the Cold War, the current war in Ukraine has changed the public's perspective towards the Balkan and Eastern

Neighbourhood countries, which are recognised as 'one of us' by the international European community. Against this background, keeping public opinion in mind is of utmost importance, since mass attitudes, through their influence on political behaviour, do play a crucial role in influencing EU enlargement policy. Understanding the links between public opinion and enlargement – and reform in the EU more generally – is thus indispensable for assessing the EU integration capacity.



From EU 'enlargement fatigue' to 'enlargement enthusiasm'?

The Summer 2022 Eurobarometer registered an unprecedentedly high number of European Union (EU) citizens' opinions in favour of a new enlargement of the Union. The graph reveals how the Russian war against Ukraine and the ensuing membership applications by Ukraine, Moldova, and Georgia have opened a 'critical juncture' in the EU enlargement policy. For a long time, unfavourable sentiments towards the admis-



Source: Standard Eurobarometer 54-98 (Autumn 2000-Winter 2022/2023)

sion of new members have dominated EU public opinion and characterised the so-called 'enlargement fatigue' (Devrim & Schulz, 2009).

By mid-2022, 57 percent of EU citizens declared themselves to be in favour of the EU widening its membership in the future, while only 33 percent of the respondents were against it. This score represents a historical high with no precedent within this Eurobarometer series, which was initiated in 2000 during EU accession negotiations Central and Eastern European countries (that were to become members in 2004 and 2007). Hence, the return of greater public support for enlargement may perhaps mark the end of enlargement fatigue and the beginning of a new positive momentum for this policy.

By mid-2022, 57 percent of EU citizens declared themselves to be in favour of the EU widening its membership in the future, while only 33 percent of the respondents were against it.

At the same time, these new trends should be handled with extreme caution. When examining the evolution of EU enlargement fatigue, positive attitudes towards new enlargements seem to erode over time, and no fast-track accession policy is in sight. Moreover, the inversion of trends in EU public opinion started well before the Russian military aggression. Supporters of enlargement have gradually increased while opponents have decreased since the second half of 2016, in the aftermath of the Brexit referendum, so attitudes towards EU enlargement seem to be linked to the rise and fall of Euroscepticism and overall trust in EU integration more generally.



Additionally, recent experience shows how elites and political parties retain an important role in affecting volatile and sensitive mass attitudes towards EU enlargement policy. Finally, in reaction to rising enlargement fatigue and Euroscepticism, today's EU enlargement policy is run on an even stronger intergovernmental basis than in the past. Thus, member states' veto power maintains the risk of this policy being hijacked by individuals' public opinion and national political agendas, which in some countries remain quite sceptical towards new EU accession.

Understanding the links between public opinion and enlargement - and reforms in the European Union more generally - is thus indispensable for assessing the EU integration capacity.

Keeping public opinion in mind is of utmost importance, since mass attitudes, through their influence on political behaviour, do play a crucial role in outlining the EU enlargement policy. Understanding the links between public opinion and enlargement - and reforms in the European Union more generally - is thus indispensable for assessing the EU integration capacity.

From permissive consensus to enlargement fatigue and resistance

EU enlargements were, for a long time, largely ignored by European public opinion. This lack of interest might have been caused by little knowledge among Europeans about EC/EU policymaking in general and enlargement policy in particular, as well as a lack of understanding of the significance of the latter for the future of the EU as a political system. At the same time, EU citizens have been marginally involved in public discussions about enlargement, while the admission of new members has never been subject to referenda in the EU member states - something that might have reduced public interest in the issue in comparison to other themes connected with EU integration and directly subjected to national campaigns.

Most EU citizens also believed that granting EU membership to new countries was 'historically and geographically natural and, therefore, justified' (Eurobarometer 61, Spring 2004).

When looking at the EU enlargement in 2004, public attitudes seemed to have still been characterised by the so-called 'permissive consensus' (Hooghe and Marks, 2009). Scholars agree that a sceptical but accommodating public opinion has accompanied the 2004 accessions, allowing political elites to conclude intergovernmental negotiations despite low interest and little public salience of the topic (Timuş, 2006). Indeed, for a majority of EU citizens, it appeared economically irrational to support the 2004 enlargement, contrary to the enlargement towards the European Free Trade Association countries in 1995, which broadly seemed rational as it relates to net-payer countries (Toshkov et al., 2014). However, most EU voters remained mildly in favour of the 2004 enlargement, mainly on the basis of identity reasons and a shared sense of belonging (Schimmelfennig & Sedelmeier, 2002). These countries were perceived as part of the pan-European identity, sharing a distinct cultural civilization with its own history, tradition, and religion (Maier & Rittberger, 2008). Indeed, most EU citizens believed that enlargement should be implemented due to various significant non-economic reasons, including the increase of Europe's role in the world, the moral duty to reunite Europe after the end of the Cold War, and the reduction of armed conflicts (Timuş, 2006). Most EU citizens also believed that granting EU membership to new



countries was 'historically and geographically natural and, therefore, justified' (Eurobarometer 61, Spring 2004).

After the 2005 referenda and the completion of the fifth enlargement round, an official EU discussion on the future of enlargement policy was triggered.

However, this situation soon started to change and mutate into what has come to be known as 'enlargement fatigue', a lack of enthusiasm and/or confidence in the overall enlargement project (Devrim & Schulz, 2009). The turning point was probably created by the European Constitution debate, specifically the 2005 referenda in France and the Netherlands and their rejection of the new EU constitutional treaty (Walldén, 2017). In these campaigns, despite the efforts of pro-European elites to separate the enlargement issues from the question of the ratification of the 'Treaty establishing a Constitution for Europe', complaints for previous enlargements (toward Central-Eastern Europe) and preoccupations for new ones (Bulgaria, Romania, and Turkey in particular) prevailed in the public debate, and opposition to EU widening was a key feature of Eurosceptic propaganda. It was the outcome of the 2005 referenda that prompted member states to engage in a formal debate on revising EU enlargement policy. After the 2005 referenda and the completion of the fifth enlargement round, an official EU discussion on the future of enlargement policy was triggered.

Then, Euroscepticism and diffidence towards new enlargements kept growing due to discontent regarding the level of preparation in Bulgaria and Romania during their accession to the EU in 2007.

Thus, post-2004 enlargement reflections reveal a rising opposition and declining level of support among EU citizens for new EU enlargement, eroding permissive consent and shifting public opinion towards a 'binding dissensus' (Toshkov et al., 2014). In particular, increasing workforce immigration, lower tax rates, and lower wages brought into the EU by the new member states, combined with rising levels of unemployment in the old EU states, provoked public dissatisfaction and opposition to this policy (Timuş, 2006). Then, Euroscepticism and diffidence towards new enlargements kept growing due to discontent regarding the level of preparation in Bulgaria and Romania during their accession to the EU in 2007. As such, member states did not perceive enlargement as a win-win situation, as they believed it merely benefits new members while providing little if any profit to the old ones (Devrim & Schulz, 2009). As a result, enlargement started to be perceived by many as a vehicle for importing institutional instability into the EU, thus also posing the question of EU absorption capacity (Devrim & Schulz, 2009). Indeed, the Union's functioning has been complicated by a cumbersome decision-making process that can seriously jeopardise the ability of its institutions to function and the efficiency of its decision-making processes. Enlargement also unveiled the growing gap between political elites and the public stemming from the EU's institutional architecture, which permits little input from the member states' citizens.



Overall, these modifications put renewed emphasis on EU absorption capacity, posing intermediate benchmarks to be fulfilled by candidate countries and increasing member states' grip over the process (Mišćević and Mrak 2017).

Yet, during this period, some important political objectives were still achieved on the basis of a 'renewed consensus on enlargement' (Council of the EU 2006), which paved the way to the EU accession of Croatia (in 2013), as well as to the opening of accession negotiations with Montenegro (in 2011) and Serbia (in 2013). Confronted with growing Euroscepticism, EU leaders decided to make the enlargement process more demanding and to increase member states' control over it on the basis of the 'three Cs' principles, expressed by the 2006 renewed consensus: geographical consolidation, stricter conditionality, and improved communication. This has led to what has been described as the 'creeping renationalisation' of this policy (Hillion, 2010), a trend that was further reinforced by the European Commission in the context of accession negotiations with Croatia, Montenegro, and Serbia. In 2012, the European Commission formalised these changes by introducing the 'fundamentals first' approach in its enlargement strategy (European Commission, 2012) in order to address core issues – the rule of law, fundamental rights, and democratic institutions – from an early stage in the negotiations. Overall, these modifications put renewed emphasis on EU absorption capacity, posing intermediate benchmarks to be fulfilled by candidate countries and increasing member states' grip over the process (Mišćević & Mrak, 2017). Eventually, these changes had a profound impact on the nature of the accession negotiation talks between the EU and the Western Balkans, which were carried out through a much more intergovernmental logic (Balfour & Stratulat, 2015).

Behind the declared goal of better preparing for accession, the mutation of enlargement policy unambiguously reflects enlargement fatigue and the rise of Euroscepticism in the EU itself. While it is true that most of the aspirant countries do not meet all the Copenhagen accession criteria – and there has even been some backsliding – the member states' adverse sentiment towards enlargement is partially to blame, thus creating a vicious circle. At the same time, this stricter EU conditionality did not succeed in strengthening support for EU accession among the European population, and large segments of EU citizens remained against this policy even in 2012, when Croatia concluded accession negotiations and was accepted to become a member the following year, mainly due to its strong ties with Austria and Germany (Toshkov et al., 2014).

Behind the declared goal of better preparing for accession, the mutation of enlargement policy unambiguously reflects enlargement fatigue and the rise of Euroscepticism in the EU itself.

The final blow to support for EU enlargement policy came, however, when the EU entered a series of multiple existential crises that have dominated the European scene in recent years: the eurozone crisis, the refugee crisis, Brexit, and the rise of Eurosceptic and far-right forces and programmes across the continent (Walldén, 2017). All these factors have had a direct or indirect negative effect on the prospect of further enlargements and fueled scepticism about the admission of new members in several European capitals. This new situation was first certified in 2014 by the keynote speech at the European Parliament of the then-new President of the European Com-



mission, Jean-Claude Juncker, which seemed to many observers to have suspended the enlargement process (Juncker, 2014).¹

Under these new conditions, EU enlargement was increasingly hijacked by individual vetoes and national agendas.

Since then, there has been a transformation of EU enlargement's narrative from fatigue into 'resistance' (Economides, 2020) and a mutation of the renewed consensus on enlargement into an open dissensus and contestation. Under these new conditions, EU enlargement was increasingly hijacked by individual vetoes and national agendas. This situation was particularly evident in the European Council's behaviour, which has repeatedly failed to agree on opening accession negotiations with Albania and North Macedonia (and to provide visa liberalisation to Kosovo), despite the remarkable progress of these countries in meeting EU demands.

Moreover, it is interesting to note the different roles played by EU political elites in this new phase, when constraints to enlargement started to be exerted by the political elites themselves. During this new phase, no one would have expected EU leaders to seize initiatives on enlargement when the EU itself is under threat, with the euro at risk, Brexit, the inflows of refugees unsettling the European political arena, and far-right Eurosceptic parties surging. This shift in political elites' attitudes has also been confirmed by a recent study on parliamentary debates on EU enlargement in eight member states (Economides et al., 2023). The analysis clearly shows the decreasing salience and increasing aversion towards new accession within national parliaments. At the same time, the article shows the key role of challenger parties (from both the radical left and radical right) in constraining mainstream political parties with more negative views on enlargement.

From fatigue to enthusiasm?

The return of war in Europe and the ensuing membership applications by Ukraine, Moldova, Georgia, and Kosovo represent dramatic turning points in recent European history, which has put the spotlight on EU enlargement policy as a key tool to pursue peace, democracy, and prosperity across Europe. The fact that the European political elites affirmatively replied to third countries' demands for integration proves a positive momentum and new dynamism in this policy. Indeed, the European Council almost immediately granted candidate status to Ukraine and Moldova in June 2022 and opened accession perspectives for Georgia. Soon after, it also opened accession negotiations with Albania and North Macedonia and then gave EU candidate status to Bosnia and Herzegovina in December 2022.

1 Presenting the new European Commission priorities to the European Parliament, Juncker declared that no further enlargements would take place during its mandate. Whereas Juncker statement was factually correct, the political message emerging from the European Commission's proprieties was devastating for EU enlargement policy, which was relegated to the extreme margins of the EU agenda. At the same time, the new Commission abolished the Commissioner/DG for EU enlargement, creating the European Commissioner/DG for European Neighbourhood and Enlargement Negotiations (DG NEAR) instead.



The fact that the European political elites affirmatively replied to third countries' demands for integration proves a positive momentum and new dynamism in this policy.

Moreover, the change in the Eurobarometer trend in summer 2022 confirms this 'critical juncture' in enlargement policy. In fact, the long-term unfavourable trend toward the admission of new members has reversed, with public opinion in favour being greater than against. In the same fashion as the 2004 enlargement was framed through the identity argument for the purpose of reuniting Europe after the end of the Cold War, the current war in Ukraine has changed the public's perspective towards the Balkan and Eastern European countries, which are recognised as 'one of us' by the international European community – or at least as having a common 'enemy'.

Against this background, the central issue is, however, not simply to establish for how long this momentum could last. The crucial question here is about what type of enlargement policy might come out of war and which characteristics it ought to have in order to overcome the significant shortcomings that emerged in the EU accession of the Western Balkans so far, which have been on the path from post-conflict reconstruction to EU membership already for more than 20 years. In other terms, the crucial issue now for the 'European bureaucracy' is to provide concrete proposals to convert this consensus among the general public and political elites into concrete policies that will prove more effective, suitable, and sustainable than those in the past.

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By Marin Jašić
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Balancing Freedom of Expression and Democracy: The Case of the “Za Dom Spremni” Greeting in Croatia

Policy Recommendations

1. Media campaigns, public discussions, and clear condemnation of the “Za dom spremni” by social, political, and religious leaders are essential to raising awareness about the negative consequences and harmful nature of this symbol.
2. By developing a culture of memory and highlighting historical facts, educational institutions must provide the younger generation with a better understanding of how totalitarian regimes were operated as well as the dangers of emphasising their characteristics in public space.
3. Cooperation between authorities, civil society, historians, human rights experts, and representatives of minority communities should be enhanced to jointly confront the past, promote democratic values, and prevent the rehabilitation of extremist ideologies.

Abstract

This Policy Brief explores the contentious issue of the “Za dom spremni” greeting in Croatia, examining its historical significance, legal framework, and diverse perspectives. It highlights debates among

historians, political organisations, and minority communities, shedding light on the complexities of balancing free expression and democratic values in confronting the country’s past.



Balancing Freedom of Expression and Democracy: The Case of the “Za Dom Spremni” Greeting in Croatia

Introduction

Since the 1990s, when the Republic of Croatia became an independent and sovereign state, the issue of “Za dom spremni” (“ZDS”)¹ has dominated the Croatian political and public scene. “ZDS” has historical and symbolic ties to the fascist Nezavisna Država Hrvatska (NDH)² regime in the Second World War. Specifically, it was the regime’s official greeting.³ Because the greeting is linked to an ideology that promotes racial and ethnic intolerance, it causes controversy and division in society. Some parts of Croatian society view “ZDS” as a historical heritage, especially because it was used as an official coat of arms by war veterans during the Homeland War (1991-1995), while others perceive it as a symbol of intolerance and fascism. In addition, as radical right-wing politicians embraced and promoted the “ZDS”, tensions escalated, and the gesture was used as a means to rally supporters and express populist patriotic sentiments. In this context, Croatian politics has actualised the historical revisionism issue, leading to subjective interpretations of legal provisions and determining the permissibility of their use on a case-by-case basis. As a member state of the European Union, the North Atlantic Treaty Organization, and the Council of Europe, Croatia should unequivocally sanction any kind of symbol of the totalitarian regimes without any political or legal hesitation, because symbols or greetings reviving past anti-democratic ideologies contradict the goals and values of the mentioned organisations.

Because the greeting is linked to an ideology that promotes racial and ethnic intolerance, it causes controversy and division in society.

Political Dimension

The majority of Croatian historians and political scientists argue that the use of “ZDS” in public space symbolises an ideology that promoted nationalism, racism, antisemitism, and the persecution of minority groups.⁴ However, some historians argue that “ZDS” has alternative connotations. These historians consider context and interpretation when assessing the greeting’s historical significance. They note the post-World

1 For our home(land) ready!

2 Independent State of Croatia

3 Hasanbegović: ‘Za dom spremni’ ustaški je pozdrav. <https://www.vecernji.hr/vijesti/hasanbegovic-za-dom-spremni-je-ustaski-pozdrav-1192783> ZDS je isključivo ustaški pozdrav. <http://www.glas-slavonije.hr/309415/11/ZDS-je-iskljucivo-ustaski-pozdrav>

4 ZDS je isključivo ustaški pozdrav. <http://www.glas-slavonije.hr/309415/11/ZDS-je-iskljucivo-ustaski-pozdrav>



War II ban and subsequent diverse political use of the “ZDS”. Also, some veteran organisations argue that banning these symbols degrades the sacrifice⁵ of their fallen members.⁶ In 2015, a petition was launched advocating for the official military use of “ZDS”, which was signed by several academics, bishops, and other dignitaries, with the support of some veteran organisations. However, the petition lacked broad public support and had no policy impact. Signatories acknowledged the greeting’s historical nuances, not limited to the NDH ideology. They called for an open discussion on its historical significance, distinguishing original intent from misuse. However, the president and government did not endorse the proposal, upholding the existing approach to symbols and greetings as incompatible with democratic values.⁷ In 2019, a survey was conducted to ask what citizens think about “ZDS”. The largest percentage, 28.4 percent, said that “ZDS” should be relegated to history and that Croatia should focus on the future, while 21,4% said they would pause discussions for 30 years on that topic.⁸ Veteran associations are also divided on this issue. According to the Croatian Coordination of Veterans’ Associations from Split, the ban on “ZDS” from the Homeland War undermines Croatia’s democratic foundation,⁹ while the Association of Homeland War Veterans and Anti-Fascists (VeDRA) believes that shouting of “ZDS” should be strictly prohibited.¹⁰ Various groups, including intellectuals, church, and veteran associations, have been influential in the legalisation of “ZDS”. Media presence, popularity, reputation, and political connections determine their influence. However, further analysis and research are required for precise quantification.

Various groups, including intellectuals, church, and veteran associations, have been influential in the legalisation of “ZDS”.

The Inconsistency of the Case Law

The Croatian constitution rejects the postulates of the NDH regarding its character, policies, and legislation. The salutation “ZDS” violates the principles of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the European Convention of Human Rights and the Framework Convention for the Protection of National Minorities, as well as the recommendations of the European Commission against Racism and Intolerance. As a result, ICERD requires each state party to prohibit and end racial discrimination. The European Convention ensures non-discriminatory enjoyment of all legal rights, and the European Court of Human

- 5 During the Homeland War, certain units of Croatian military wore these symbols on their uniforms.
- 6 Splitske udruge branitelja: Pozdrav ‘Za dom spremni’ čist kao suza. <https://www.vecernji.hr/vijesti/hos-za-dom-spremni-domovinski-rat-1181248>
- 7 Ustaški pozdrav - ozbiljna inicijativa ili egzibicionizam. [https://balkans.aljazeera.net/teme/2015/9/3/ustaski-pozdrav-ozbiljna-inicijativa-ili-egzibicionizam](https://balkans.aljazeera.net teme/2015/9/3/ustaski-pozdrav-ozbiljna-inicijativa-ili-egzibicionizam)
- 8 ISTRAŽIVANJE: Što Hrvati misle o pokliku “Za dom spremni” i jesu li za njegovu zabranu? <https://www.maxportal.hr/vijesti/istrazivanje-sto-hrvati-misle-o-pokliku-za-dom-spremni-i-jesu-li-za-njegovu-zabranu/>
- 9 Splitske udruge branitelja: Pozdrav ‘Za dom spremni’ čist kao suza. <https://www.vecernji.hr/vijesti/hos-za-dom-spremni-domovinski-rat-1181248>
- 10 I VeDRA za zabranu pozdrava “Za dom spremni”. <https://www.portalnovosti.com/i-ve-dra-za-zabranu-pozdrava-za-dom-spremni>



Rights highlights the need to prevent racist speech as a fundamental principle in a democratic society.¹¹ The most notable case involves Croatian football player Josip Šimunić, who urged fans to shout “ZDS” after a Croatian national team match in 2013. As a result, FIFA (Fédération Internationale de Football Association) suspended him for ten matches and fined him 30,000 CHF. Also, Šimunić was fined 25,000 HRK by the High Misdemeanour Court in Zagreb.¹² In response, Šimunić sued Croatia before the European Court of Human Rights, claiming violation of Article 7 of the European Convention on Human Rights and his freedom of expression due to “ZDS” being an old Croatian greeting. The court panel, including Croatian judge Ksenija Turković, rejected Šimunić’s lawsuit, deeming “ZDS” a manifestation of racist ideology due to its association with the NDH regime and racial hatred.¹³ While Croatian law doesn’t explicitly ban “ZDS” and related greetings, institutions, including the courts, use regulations that penalise their use, along with wearing associated symbols, such as the Law on Public Gatherings, Law on Preventing Disorder at Sports Competitions, Law on Offenses against Public Order and Peace, and Law on Suppression of Discrimination. Finally, the High Misdemeanour Court and Constitutional Court have played a role in standardising and guiding judicial practise through their decisions. In its judgement of 27 January 2016, the High Misdemeanour Court analysed “ZDS” and concluded it was an official greeting of the NDH regime.¹⁴ In its decision of 8 November 2016, on the greeting “ZDS” in the context of the right to freedom of expression, the Constitutional Court pointed out that it is important for democracy, society, and the individual, but it carries responsibility and is subject to limitations. Although misdemeanour punishment for expression infringes on freedom of expression, it is lawful and serves the legitimate purpose of penalising racially or affiliationally motivated behaviour at sports competitions. This aims to protect the dignity of others and uphold democratic principles.¹⁵ However, the inconsistency in judicial decisions arose from various rulings, including the 2020 judgement of the High Misdemeanour Court of the Republic of Croatia, which stated that the use of the “ZDS” by Croatian singer Marko Perković Thompson in one of his songs for years does not violate the Law on Misdemeanours Against Public Order and Peace. However, it is noteworthy that the verdict in this case contradicts a series of final verdicts by the High Misdemeanour Court between 2015 and November 2019, which penalised individuals for shouting or emphasising such shouts in public as misdemeanours.¹⁶ The Government of Croatia amended the Law on Misdemeanours in March 2023, raising the fines for misdemeanours, which include public pronouncement of the greeting “ZDS”. Light offences may incur fines up to

- 11 Analiza: sudska praksa i propisi nedvosmisleno o pozdravu “Za dom spremni”. <https://www.ombudsman.hr/hr/analiza-sudska-praksa-i-propisi-nedvosmisleno-o-pozdravu-za-dom-spremni/>
- 12 “Za dom spremni” ponovo koštao Šimunića. <https://n1info.hr/sport-klub/nogomet/a166697-josip-simunic-jos-zesce-kaznjen-zbog-povika-za-dom-spremni/>
- 13 Europski sud otkantao Šimunića: ‘Za dom spremni’ je fašistički pozdrav. <https://www.index.hr/vijesti/clanak/europski-sud-otkantao-simunica-za-dom-spremni-je-fasisticki-pozdrav/2059994.aspx>
- 14 Analiza: sudska praksa i propisi nedvosmisleno o pozdravu “Za dom spremni”. <https://www.ombudsman.hr/hr/analiza-sudska-praksa-i-propisi-nedvosmisleno-o-pozdravu-za-dom-spremni/>
- 15 Ibid.
- 16 Visoki prekršajni sud: Poklič “za dom spremni” nije prekršaj. <https://www.iusinfo.hr/aktualno/dnevne-novosti/41858>



1,000 EUR, while severe offences may result in fines up to 4,000 EUR. Spreading fake news and publicly uttering “ZDS” will be considered grave offences.¹⁷ Through the increase in penalties, the government is promoting democratic values more effectively in a society where totalitarian symbols have no place. Additionally, increasing penalties aims to reduce intolerance, division, and violence. It is important to note that symbols have power and can inspire or support certain ideas and attitudes. The imposition of stricter sanctions can therefore help protect peaceful coexistence and prevent conflicts from arising. A fine increase may also be part of a broader effort to confront the past, especially the period of the Second World War.

Through the increase in penalties, the government is promoting democratic values more effectively in a society where totalitarian symbols have no place.

Discussions in Society

In March 2017, the Government of Croatia established a “Council for Dealing with Consequences of the Rule of Non-Democratic Regimes”, which consisted of 18 commission members, mostly jurists, political scientists, and historians. The political intent behind the creation of the council was to confront the legacy of these regimes and address their negative effects on society. In addition to strengthening democratic values, the Council was established to promote truth, justice, and reconciliation. Recommendations noted that “ZDS” insignia had an anti-constitutional character but could be allowed only in exceptional situations and very restrictively for commemorative purposes for slain members of HOS.^{18,19} However, the Council’s recommendations left room for free interpretations and abuses, which are the most obvious during commemorations. Inconsistencies of this kind are increasingly being highlighted by liberal civil society organisations (such as Documenta and the House of Human Rights), which play a crucial role in confronting historical traumas by conducting research and, gathering documentation, testimonies, and archives to uncover historical truths. “ZDS” represents a clear contradiction to civilization’s values, democratic social order, and human rights protected by the European Convention on Human Rights, they unanimously agree.²⁰ The Coordination Committee for Jewish Communities in Croatia has boycotted Holocaust commemorations several times, claiming “ZDS” represents the darkest period in Croatian history, when horrific crimes were

17 Hrvatska: Povećane kazne za ustaški pozdrav ‘Za dom spremni’. <https://balkans.aljazeera.net/news/balkan/2023/4/13/hrvatska-povecene-kazne-za-ustaski-pozdrav-za-dom>

18 The Croatian Defense Forces (HOS) were volunteer military units formed in 1991 under the Croatian Party of Rights (HSP), using “ZDS” as their coat of arms.

19 Recommendations adopted by the council for dealing with the consequences of undemocratic regimes. <https://vlada.gov.hr/recommendations-adopted-by-the-council-for-dealing-with-the-consequences-of-undemocratic-regimes/23539>

20 Kuća ljudskih prava zgrožena odlukom: ZDS simbolizira zločinačku naci-fašističku ideologiju. <https://www.novolist.hr/novosti/hrvatska/kuca-ljudskih-prava-zgrozena-odlukom-zds-simbolizira-zlocinacku-naci-fasisticku-ideologiju/>



committed.²¹ The Serbian minority in Croatia, holds the same position. They believe that the insignia “ZDS” should not appear at the commemorations or anywhere else, because it is directly linked to the NDH regime and its origins.²²

“ZDS” represents a clear contradiction to civilization’s values, democratic social order, and human rights protected by the European Convention on Human Rights, they unanimously agree.

Conclusion

The use of “ZDS” in Croatia is complex, and it is difficult to identify a general trend of decline or growth. The perception and usage of that greeting can vary depending on events, political situations, and public debates. It is important to note that there is no comprehensive statistical data that unequivocally shows a general trend of decline or growth. In order to emphasise the aversion to totalitarian symbols, it is needed to educate and raise awareness among the younger generations. Education plays a crucial role in promoting democratic values, human rights, tolerance, and respect for diversity. To understand how such ideologies can damage society, young people need to be educated about history, especially periods marked by extremism and violence. Furthermore, the judicial system needs to be strengthened to ensure adequate sanctions for violations related to extremist ideologies. The creation of an inclusive and open social environment is also crucial on a sociopolitical level. It involves promoting dialogue, confronting the past, encouraging critical thinking, and actively combating discrimination, intolerance, and hatred.

21 Kraus: Nije dovoljno ukloniti ‘Za dom spremni’ da dođemo u Jasenovac. <https://balkans.aljazeera.net/news/balkan/2017/3/17/kraus-nije-dovoljno-ukloniti-za-dom-spremni-da-dodemo-u-jasenovac>

22 Korištenje pozdrava ‘Za dom spremni’ treba zakonski regulirati. <https://www.portalnovosti.com/koristenje-pozdrava-za-dom-spremni-treba-zakonski-regulirati>



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ÖGfE Policy Brief 21 2023



By Andrei Tiut
Vienna, 19 October 2023
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Democracy from below in Romania: how far can it get before breaking

Policy Recommendations

1. For upcoming democratic movements: Clarify your goals and organisational structure early on and then try to become entrenched within (groups of) society. It will be a marathon, not a sprint.
2. For donors and funders: You get what you pay for. If you pay for projects, you will have successful projects. But if you want a vibrant, organic civil society, consider long-term and core funding.
3. For established parties and politicians: Listen to rather than discourage challenges coming from below, as long as they are pro-democratic.

Abstract

Between 2012 and 2017, successive waves of protests brought public officials to account. Governments were overthrown, and significant pieces of legislation were overturned. In 2016, a new liberal party (Save Romania Union) entered parliament, asking for the democratisation of public life and boasting its own internal democratic decision-making. In 2020, the party entered parliament and, then, the government. Events like these contributed not only to increases in the quality of democracy as measured by international indexes but also in democratic resilience.

Since then, the situation has deteriorated. The quality of democracy has declined, reaching a low point in 2021, according to V-Dem, and the government has been unable to communicate with the population effectively in successive crises. Public dissatisfaction did not manifest itself through pro-democratic protests like in the past; on the contrary, we can see an increase in the voting intention for extremist parties and a general decrease in trust in democratically oriented institutions, be they internal or international.

However, this Policy Brief notes that public pro-democratic protests have historically been slow to take off, and even when they did, they were ignited by comparatively less important issues, appearing as “black swans”. This may be due to the failure of protest movements to crystallise into permanent structures of representation and, in a more general sense, the failure of civil society to become a representative voice for the public.

As such, it is difficult to say to what extent movements from below can influence Romania’s democracy for the better. Precedents suggest that, despite apparent societal calm, the public will ultimately make its voice heard and will oppose a political class that it trusts less and less. Typically, there is a delay between the stimulus and the societal reaction, but this delay does not extend beyond parliamentary elections. Unfortunately, the current situation clearly shows that a significant part of the discontent may simply be channelled into radicalisation, and those feeling underrepresented may choose extremist parties.



Democracy from below in Romania: how far can it get before breaking

Introduction

In 2020, the GlobalFocus Center built a Democratic Resilience Index¹ to solve a paradox in the evolution of democracy within Central and Eastern Europe and beyond. While some formerly acclaimed democratic successes like Poland and Hungary were experiencing democratic backsliding, less acclaimed or troubled democracies like Romania seemed to show greater resilience, as massive protests in Bucharest had thwarted government attempts at reversing rule of law reforms and ultimately ousted the ruling party altogether at the polls. This seemed to showcase that the reasons that make a democracy blossom are not always the reasons that make it endure.

According to the index, one recursive element pushing up Romania's scores was, loosely speaking, citizen influence from the bottom up. Romania scored higher than the other two countries in the pilot study, Hungary and Moldova, in areas like internal party democracy, trust in the judiciary system, democratic support from public media, ease of starting a media outlet/blog, liberal values in civil society, influence of civil society, influence of the diaspora, popular support for international organisations, and popular understanding of capitalism² while communist melancholia was hardly present.

Other indicators are not explicitly a form of bottom-up influence, but they are strongly related to it. The balance of power, for example, owes much to the phenomenon of alternation of power induced by elections, which has not allowed any party to consolidate power over the state to the levels achieved by Fidesz (Hungarian Civic Alliance / Magyar Polgári Szövetség) in Hungary and PiS (Law and Justice / Prawo i Sprawiedliwość) in Poland.

Democracy from below used to work

This optimistic outlook on democratisation from below reflected actual events in recent history. To speak of the most recent ones, in 2017, unprecedented crowds took to the streets in protests that lasted for half a month to protest against a legislative package collectively known as Emergency Decree 13 (OUG 13). This package decriminalised certain abusive decisions taken by public officials and pardoned others. It was perceived as a plan to favour the political apparatus of the governing Social Democrats and, personally, the president of the party, Liviu Dragnea, who had legal problems and was eventually sentenced for corruption.³ Due to the protests, the package was abandoned before it could produce any effects, even though the Social Democrats tried to impose similar measures through other means.

1 <https://www.global-focus.eu/wp-content/uploads/2021/09/Democratic-Resilience-Index.pdf>

2 <https://www.global-focus.eu/wp-content/uploads/2021/09/Democratic-Resilience-Index.pdf>, p. 26-27.

3 According to the principle of the most favourable penal law, that is, incrementation would have impacted past deeds.



Then, in 2018, a proposal to enshrine heterosexual-only marriage into the constitution⁴ adopted by parliament failed to pass a referendum (due to a lack of quorum), despite support from the two main parties and most of the churches and religious organisations in Romania.⁵ This was a strong rebuke to previous claims by the proponents of the change that the Romanian silent majority was inherently ultra-conservative and supported such a measure.

These were not isolated incidents of checking executive or legislative power from below. Protests (2012 on healthcare/anti-government, 2013 on the environment, 2015 on anti-corruption) appeared to be stronger with each iteration and created the expectation that elected officials could not stray too far from some basic expectations of the population.

Where are we now?

According to V-Dem,⁶ the quality of democracy in Romania again took a downward turn in 2022. But this time it did not result in a reaction from the population of the sort described above. In fact, public pressure decreased or lost effectiveness in 2022 as compared with 2021, as seen in V-Dem⁷ in indicators such as the participatory component (0.73 to 0.69), civil society participation index (0.77 to 0.73), or engaged society (0.81 to 0.31).

According to V-Dem, the quality of democracy in Romania again took a downward turn in 2022.

The far-right AUR party (Alliance for the Unity of Romanians) consolidated its popular support in a range between 15% and 20%,⁸ while the SOS Romania party (a wordplay on the name Șoșoacă and the SOS signal), which combines far-right themes with open support for Russia, has gathered 4% in at least one poll.⁹

The new far-right parties (AUR, SOS) are constructed on the populist charisma of their respective leaders rather than around a principle of democratic representation.

Internal party democracy is also fading. The PNL (National Liberal Party / Partidul Național Liberal) seems to be disciplined and obedient to its informal leader, the president of the country, Klaus Iohannis, even though, constitutionally, he's not allowed to be head of the party. The leadership of the Save Romania Union, once a

4 Heterosexual marriage was already deemed to be the only constitutional form of marriage according to the interpretation of the Constitutional Court, so the referendum appeared to many to be an effort to mainstream ultra-conservative and illiberal Western values and to put religious values at the core of the law. It was supported with various degrees of enthusiasm by the two main political parties, the Social Democrats and the Liberals.

5 <https://www.rferl.org/a/romania-same-sex-marriage-referendum-low-turnout-drag-nea/29529342.html>

6 https://v-dem.net/data_analysis/CountryGraph/

7 <https://v-dem.net/>

8 As compared with 9% in the election.

9 <https://curs.ro/sondaj-de-opinie-la-nivel-national-martie-2023/>



beacon of internal democracy, has not been able to keep its own ranks together, never mind its electorate.¹⁰ The new far-right parties (AUR, SOS) are constructed on the populist charisma of their respective leaders rather than around a principle of democratic representation.

Simultaneously, trust in internal and international institutions is generally falling.¹¹

How did we get here?

Analysis reveals a combination of reasons that make Romania a more vulnerable democracy in 2023 and act as a (temporary?) deterrent to bottom-up pressure. These can be structural, contextual, and based on elite errors.

An important *structural reason* is that these movements from below have failed to build stable institutions. This relates to a larger failure of representative institutions in Romania. Trade unions have minimal influence outside the civil service and state economy¹². They are often seen as serving their leaders instead of their members.¹³ Non-governmental organisations have low membership numbers.¹⁴ Internal party democracy is also problematic, as mentioned above. The main churches officially stay clear of politics and politically relevant civic action, and when they have a politically relevant position, this is often illiberal in nature, like in the case of the 2018 referendum.

An important structural reason is that these movements from below have failed to build stable institutions.

Even the protests from 2012 (anti-government, anti-austerity), 2013 (ecological, anti-corruption), 2014 (anti-corruption), and 2017 (anti-corruption) were essentially leaderless; this was more of a feature than a bug. Interviews with protesters indicated that anyone positioning themselves as leaders would risk being distrusted and pushed out of the movement.

Against the background of these structural problems, Romanian democracy has been tested by a *series of successive crises*, including the COVID-19 pandemic, the war in Ukraine with the associated refugee crisis, and inflation.

Politicians and the state elite failed to communicate effectively, leaving room for extremist forces to exploit the weaknesses of democracy. Thus, even when Romanian politicians made reasonable decisions, they often gave the impression that they were doing so against their will. For example, during the pandemic crisis, the prime minister was photographed without a mask, casually chatting with some of his associates,¹⁵ in contradiction to recent government decisions. A similar situation occurred with the

10 A new party was formed with people leaving the Union. And the remaining leadership has been accused of capturing the party.

11 <https://dc360.ro/sondaj-curs-increderea-in-institutii-la-pamant-cea-mai-redusa-cota-de-incredere-in-partidele-politice-de-pana-acum-doar-7-increderea-in-parlament-la-minimul-istoric-de-10-bor-scade-nu-mai-putin/>

12 See: revistadesociologie.ro; DINAMICA ȘI PERCEȚIA MIȘCĂRII SINDICALE ÎN ROMÂNIA POSTDECEMBRISTĂ, p. 15. <https://www.revistadesociologie.ro/pdf-uri/nr.5-6-2001/ANDREEA%20%20NICOLAESCU,%20art4.pdf>

13 <https://library.fes.de/pdf-files/bueros/bukarest/19247.pdf>, p. 34.

14 <https://green-report.ro/voluntariatul-in-romania/>

15 <https://www.reuters.com/article/health-coronavirus-romania-pm-idINKBN237031>



health minister.¹⁶ Regarding support for Ukraine, Romania's repeated position is that it is imprudent for the government to declare any specific details about the aid given to Ukraine.¹⁷ Also, the government has offered significant¹⁸ support for refugees in 2022 while avoiding communicating about it.¹⁹

Politicians and the state elite failed to communicate effectively, leaving room for extremist forces to exploit the weaknesses of democracy.

Due to the silence and incoherence of mainstream political actors, the main beneficiaries of these crises were the AUR party, which has been able to mobilise the dissatisfaction of a large part of the population around a populist and nationalist agenda, and SOS, the party of member of parliament Diana Șoșoacă, former AUR member and open supporter of the Kremlin.

Delayed reaction?

In the absence of visible public pressure or actions by authorities to take this pressure into account, dissatisfaction is likely to accumulate and, if the recent past is an indicator, boil over. It may well be that in the near future, most likely before the parliamentary elections in 2024, we will have massive waves of public dissatisfaction starting from apparently unimportant issues that will serve as sparks that ignite existing grievances in society.²⁰

The precedents in this regard are significant. The 2012 protests were a delayed reaction to austerity measures but started with a fairly specific change in the health-care law. The 2013 protests are interpreted by most commentators as having a strong anti-corruption component, despite being nominally motivated by environmental issues. Going further back in time, the Romanian anti-communist revolution of 1989 came the latest in the region, but was the most violent, sparked by a conflict between local authorities in the city of Timișoara and a priest of Hungarian ethnicity.

Metaphorically speaking, Romanian society may appear silent, but it is rather speech-impaired.

Such accumulate-and-release developments are perhaps natural in a situation where, as mentioned earlier, public discontent has no continuous, institutional chan-

16 <https://www.gandul.ro/coronavirus/video-vlad-voiculescu-ministrul-sanatatii-sur-prins-fara-masca-pe-holurile-parlamentului-19608520>

17 <https://www.bbc.co.uk/programmes/p0fcxsjz>. This position diverges from the positions of all NATO allies, and no specific justification has ever been offered.

18 According to reports from the ground, refugees migrated from Bulgaria to Romania.

19 During discussions with the people responsible, it has been suggested that they fear there will be a strong negative reaction from the population. No survey or research is known that supports this position.

20 During the time we worked on this Policy Brief teachers went to a general strike (<https://www.euronews.com/2023/06/09/exams-in-romania-postponed-as-thousands-of-teachers-strike-for-better-pay>) bringing at least 10 000 people to the streets. The far-right AUR party also proved able to bring to Bucharest around 10 000 people for a populist protest, some of which turned violent (<https://www.romania-insider.com/supporters-aur-turn-violent-during-protest-parliament-bucharest>).



nels of expression. Metaphorically speaking, Romanian society may appear silent, but it is rather speech-impaired.

Conclusion

We can learn from the case of Romania that highly decentralised, leaderless mobilisation strategies are a double-edged sword. On the one hand, they allow democratic movements to organise even in countries like Romania, where interpersonal trust is low. On the other hand, such movements often lack staying power, allowing established politicians to wait them out.

Another lesson is that politicians who take advantage of the lack of organisation within grassroots movements do so at their own risk. If they choose to ignore the underlying dissatisfaction of the population, then other forces will fill in the void of representation. Sometimes these forces can be democrats and liberals, but other times they will be populists and extremists.



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Kosovo: democratising democracy

Policy Recommendations

1. Ensure full implementation of the legal framework to enable the participation of citizens in public affairs.
2. Build the capacities of decision-makers at all levels to adhere to legal requirements for inclusive policy-making.
3. Develop public spaces and funding instruments for citizen participation in decision-making through civil society.

Abstract

Inclusive decision-making processes that prioritise citizens and their needs, allowing their voices to shape the decisions that affect them, are at the core of democratisation from below. Despite significant progress in democratic indicators, Kosovo still has a long way to go before realising its full potential for inclusive policy and decision-making. While Kosovo has established legal requirements for public participation, implementation remains limited, resulting in only a small number of well-established civil society groups and experts

being able to participate. Decision-makers at all levels must improve their capacities to adhere to legal requirements, while citizens should engage in policy-making processes through civil society organisations. Recent trends towards more inclusive civic practises improve the prospect of wider citizen engagement in public affairs. Developing public spaces and funding instruments that support inclusive civic practises is crucial for enabling citizen participation in decision-making through civil society.



Kosovo: democratising democracy

Introduction

A democracy from below requires democratic decision-making processes that are built around citizens and their needs and enable their voices to shape decisions about their lives and their future.

Democracy, as a system of governance, is much more than the holding of free, fair, and democratic elections. It should be built around citizens – their needs, their voices, and most importantly, their ability to effectively participate in the governance of their country and to hold those in power accountable. Such a participative democracy should ensure that power is not concentrated in the hands of a few but distributed among the people, regardless of their social, economic, or political background and status. In short, democracy should derive from and be exercised from the ground up.

Kosovo has experienced a unique challenge and opportunity: simultaneous EU accession reforms and national state building. It still remains last in its formal path to the EU, yet it tops charts in democracy related indicators.

When Kosovo was preparing to declare its independence in 2008, it was facing a unique challenge and opportunity: pursuing internal reforms for national state building while simultaneously putting itself on a path of Europeanisation.¹ With this ambitious endeavour in mind, Kosovo today, 15 years later, still remains a work in progress. Yet, the internal reforms aimed at transforming the country into a future member state of the European Union (EU) have paid some dividends. Kosovo is among the few Western Balkan countries where democratic maturity continues to be reaffirmed through exemplary elections and smooth transitions of power, even when the entire political spectrum was outvoted in the 2021 elections. It is the only country in the region with significant progress in democracy and governance, as measured by international organisations such as Freedom House, Transparency International, Reporters without Borders, the V-dem Institute, or the Rule of Law Index² project. It is also the only country in the region where civic space did not shrink during 2022.

However, despite notable advancements on the ground and international assessments that Kosovo is today freer and more democratic than ever before, there is quite a gap to bridge before fully realising the potential of democracy. Among other things, this can be attributed to the concentration of public policy-making within formal systems.

1 Venera Hajrullahu and Fatmir Curri, October 2007, State of play and main challenges for Kosovo on the way to the European membership, Kosovar Civil Society Foundation. https://www.kcsfoundation.org/wp-content/uploads/2017/12/03_03_2014_1098333_KCSF_2007_STATE_OF_PLAY_AND_MAIN_CHALLENGES_FOR_KOSOVO.pdf

2 <https://worldjusticeproject.org/sites/default/files/documents/Kosovo.pdf>



Too few Kosovars are engaged in civic actions or in formal decision-making processes, including youth, who are the dominating demographic group in Kosovo.

Except for the usually relatively high election turnout, the majority of Kosovo's population abstains from participating in either formal decision-making processes or civic actions in their own interests. A small percentage of citizens participate in public hearings at the local level, and a similar trend is observed in public consultations at the central level.³ A survey by Friedrich-Ebert-Stiftung shows that participating in civic actions and initiatives was the second lowest value ranked in young girls' and boys' responses, with only 16% considering it a very important value (compared, for example, to 72% for graduating from a university), while they also feel the decision-making process is inaccessible, with only 10% of them thinking their interests are "well" represented.⁴

These figures may paint a picture of citizens lacking interest in engaging in issues of their own interest, however, it is not an assumption to be easily made unless all (or most) prerequisites for enabling civic engagement are in place. These prerequisites span a variety of actors (government, civil society, and donors) and factors (quality of education, economic development, and rule of law). While recognising the crucial importance of each of those factors in the development of a truly democratic society, in this paper the focus will be on the two sides of the formal process of participation in decision-making: 1) the space for participation provided by state institutions, and 2) the venue for mobilisation and channelling the needs of citizens provided by civil society.

Standards for public participation as a formal opportunity for engagement in decision-making

Participatory democracy can manifest itself in many forms and spaces. However, in formal policy-making processes, there is a need for specific mechanisms to ensure that space for participation is not reliant on the discretionary willingness of a single politician or civil servant but rather is sustained, predictable, and transparent.

The state should provide timely information, and formal and effective opportunities for public participation and regular dialogue.

For a long period of time, the standards of participation were organised around the Organisation for Economic Cooperation and Development's⁵ three pillars of how governments can strengthen relations with citizens: 1. access to information; 2. pub-

3 Kosovo Local Government Institute, "Procesi i Buxhetimit në Komuna - qytetarët afër apo larg". <https://www.klgi-ks.com/wp-content/uploads/2023/04/Analiza-e-Procesive-Buxhetore-Komunale-2023.pdf>

4 Youth Study Kosovo 2018/2019, 2019, Friedrich-Ebert-Stiftung (FES). <http://library.fes.de/pdf-files/id-moe/15264.pdf>

5 Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-making, OECD 2001. <https://internationalbudget.org/wp-content/uploads/Citizens-as-Partners-OECD-Handbook.pdf>



lic consultations, where the government invites the public to comment on specific issues; and 3. active participation, where citizens actively engage in decision- and policy-making. The Council of Europe went one step beyond to define active participation by highlighting dialogue and partnership as two distinguished levels of more advanced participation, centred around regular dialogue on broad or specific issues.⁶ These standards should be applicable both to individual citizens and organised forms of civil society.

Translating all the above into the specific context of the region, the Balkan Civil Society Development Network spells out the standards that enable civil society involvement in decision-making, by requiring defined minimum standards for involvement organised around routine invitation of all interested parties, adequate and timely information on the proposals and sufficient time to respond, written and public feedback, as well as adequate capacities of civil servants to implement those standards, and regular coordination, monitoring, and reporting of the involvement.⁷ These standards also became part of the EU enlargement process through the Guidelines for EU support to civil society in the enlargement countries 2014-2020,⁸ and the revised edition for the period 2021-2027.⁹

All these principles aim to ensure that decision-making in a democratic society remains open to everyone affected by those decisions while also being responsive to the needs of people who are often excluded, such as women, youth, persons with disabilities, the elderly, and various ethnic, sexual, or other minorities.

Kosovo has developed a comprehensive set of legal requirements for public participation at all levels of governance, generally in line with the best international standards.

Kosovo has built a solid foundation of legal requirements with regards to public participation in decision-making. In addition to the constitutional provisions of 2008 that guarantee such rights, specific provisions requiring public consultation have been present since 2011 and culminated with the Government Regulation on Minimum Standards for Public Consultation process in 2016. It sets out a detailed list of obligations for all units of the government when drafting proposals, starting with consultation of annual legislative and policy plans, initial meetings before the drafting process, and written online consultations before the proposals are finalised. It also includes the obligation for written feedback on the results of the consultation, and it provides internal mechanisms to ensure that no legislative or policy document is adopted without those standards being fulfilled. The regulation's ultimate goal was to

6 Code of Good Practice for Civil Participation in the decision-making process, Revised 2019, Council of Europe. <https://rm.coe.int/code-of-good-practice-civil-participation-revised-301019-en/168098b0e2>

7 The Monitoring Matrix, The Toolkit - BCSDN 2013, Balkan Civil Society Development Network. https://www.balkancsdn.net/novo/wp-content/uploads/2015/08/BCSDN_Monitoring_Matrix.pdf

8 https://neighbourhood-enlargement.ec.europa.eu/guidelines-eu-support-civil-society-enlargement-countries-2014-2020_en

9 https://neighbourhood-enlargement.ec.europa.eu/dg-near-guidelines-eu-support-civil-society-enlargement-region-2021-2027_en



create an open and transparent system where every citizen was able to participate.¹⁰ Inspired by the central level, a set of similar standards were established for the local level soon after in 2018,¹¹ in addition to other legal tools of direct democracy that have been part of the legislation since 2008.¹² The Rules of Procedure of the Parliament were also amended in 2022 to include more specific provisions on when and how public hearings are held, including lowering the threshold for MPs to require public hearings within parliamentary committees.¹³

Once the government regulation was in force, significant improvements were made in designing and maintaining a functional Online Platform for Public Consultation¹⁴ and in the regular publishing of the majority of proposals drafted by line ministries. Also, a functional reporting system was built, which resulted in gradually improving annual reports on the state of public consultation at the government level.¹⁵ Recently, positive steps have been taken to improve the accessibility of public consultations for specific categories of people with disabilities.¹⁶

Implementation of formal requirements is partial and results in effective opportunities to participate only for a very limited number of well-established civil society organisations and experts.

Nevertheless, the entire system built around these minimum standards has yet to ensure that all groups in society have effective opportunities for involvement. Annual plans are rarely put up for public consultation, effectively preventing civil society and citizens from influencing the agenda of decision-makers, and with initial public meetings being held equally rarely, the possibility to influence a proposal at an early stage is even more limited. Currently, public consultations boil down to publishing pre-final drafts of proposals on the online platform, where interested parties have 15 days to comment in writing. Despite being nominally open to everyone, the highly complex published documents, full of legislative and technical jargon, require analytical capacities and skillsets that few individuals or organisations possess, thus rendering a large majority of the population excluded due to being unable to respond adequately with analysis or amendments. When this limited opportunity nevertheless manages to garner some response from the public, often the feedback from public institutions is either non-existent or highly technical, with little transparency on the reasons for the integration (or lack thereof) of these public inputs. Even for very important societal issues, in most cases, no alternative methods of consultation are organised.

10 Regulation (GRK) No.05/2016 on minimum standards for public consultation process. <https://konsultimet.rks-gov.net/Storage/Docs/Doc-58b819f98ec60.pdf>

11 Administrative Instruction (MLGA) No. 06/2018 on minimum standards for public consultation in municipalities. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18425>

12 Law No.03/L-040 on Local Self Government. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

13 Rules of Procedures of the Assembly of the Republic of Kosovo. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=61266&fbclid=IwAR2pkg1WSEcTI3ZFBSGCbPz0Vh51-t7ysr9nvzgMndq-6nYhvjljBQF00qKQ>

14 Online Platform for public consultations. <https://konsultimet.rks-gov.net/index.php>

15 <https://konsultimet.rks-gov.net/documents.php>

16 <https://www.youtube.com/watch?v=8C-uBvwL1vQ>



Even less public consultation happens at the local level. Despite similar standards, there are no functional tools and capacities comparable to those of the central government. Legally required biannual meetings between mayors and citizens are largely a “tick-the-box” exercise, both in content and outreach. Consultative committees are almost non-existent, and instances of participatory drafting of municipal regulations, participatory budgeting, or other forms of deliberative democracy are rare at best.¹⁷

Building on the existing formal opportunities for public participation, decision-makers running policy-making processes at all levels need to significantly improve their discipline and capacities to implement legal requirements in order to reach out to wider groups of civil society and citizens. Simply taking steps towards meaningfully implementing what is already on paper would significantly democratise the citizens’ engagement process in Kosovo.

Civil society as an effective tool for channelling citizens’ needs and voices

Civil society as a notion commonly includes a wide array of organisations such as community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations.¹⁸ NGOs and other formalised forms of civil society have dominated both the activity of and perception of the sector for a long time. However, with the changing context, civil society is increasingly being recognised as an ever wider and more vibrant range of organised and unorganised groups, with new civil society actors blurring the boundaries between sectors and experimenting with new organisational forms, both online and off.¹⁹ This evolution is not bypassing Kosovo.

The civic resistance tradition of the 1990s and huge influx of foreign donor support have been crucial to the development of civil society in Kosovo after 1999, yet the top-down approach has created a disconnect between NGOs and citizens.

Following an unprecedented civic movement that included almost the entire population of Kosovo during the parallel system and civic resistance during the 1990s,²⁰ for over two decades after the war, civil society in Kosovo consisted predominantly of NGOs. This was a result of a top-down approach by large international donors, whose support was provided both as part of a broader standard donor strategy and as a response to the specific circumstances in Kosovo following the 1999 war. Project management skills and formal reporting capacities were prioritised over

17 Kosovo Local Government Institute, Standardet Minimale te Konsultimit Publik ne Komuna. <https://www.klgi-ks.com/wp-content/uploads/2022/09/Raporti-UA-per-Standardet-Minimale-te-Konsultimit-Publik-ne-Komuna.pdf>

18 <https://www.worldbank.org/en/about/partners/civil-society>

19 The Future Role of Civil Society, January 2013, World Economic Forum. https://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf

20 Shkelzen Maliqi et al., KCSF 2001 Anthology of Civil Society. https://www.kcsfoundation.org/wp-content/uploads/2017/12/18_03_2015_7449381_Antologjia_e_Shoqerise_Civile_ENG.pdf



inclusive practises, consistent engagement, and links to respective communities. Project funding was the main incentive for engaging in decision-making processes, with very little activism occurring outside of these frameworks. There have been notable achievements in post-war emergency aid, reconstruction efforts, and the initial phases of state-building,²¹ and today the Kosovar civil society is considered to be amongst the most vibrant in the Western Balkans and beyond.

Yet, it became increasingly evident that a gap existed between NGOs and the citizens they sought to serve and represent.²² Data spanning over a decade now reveals that only a limited portion of Kosovo's population engages with civil society through means such as volunteering (2.5%), participation in civil society activities (5.00%), membership in an association (4.5%), or actively supporting a cause raised by civil society (5.3%).²³ The fact that formal mechanisms of participation primarily favoured high-capacity NGOs meant that even when decisions made by public institutions resulted from participatory processes, participation was predominantly confined to a small number of NGOs that sometimes lacked effective connections to the groups of citizens they meant to represent or serve. While participatory democracy was upheld in a formal sense, it failed to come from below.

The global trend of civil society beyond NGOs is also observed in Kosovo, with more alternative forms of civic engagement and more inclusive working approaches.

Mirroring global trends, alternative forms of civic engagement are now rapidly developing in Kosovo. There are more non-registered initiatives and informal collectives organised around specific causes, or even individual activists taking on issues of public interest. Social activism is gradually extending beyond mere formal participation in the drafting process of legislative and policy documents; reading clubs, cultural activism, street performances, online activism through social media, and community spaces open to the public have flourished in the past few years. While organisational affiliation is still the dominant manifestation of civil society, it is evident that younger generations are more driven to rally around causes and daily problems than commit to a specific organisation. This is also affecting the working approaches of existing NGOs, which are increasingly exploring participatory models of working with more diverse groups of citizens and communities.²⁴

Public community spaces and adequate funding instruments for inclusive civic practises are crucial to enabling the engagement of citizens through civil society in decision-making.

21 Dren Puka, Kosovar Civil Society Index 2018, KCSF 2018. <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Kosovar-Civil-Society-Index-2018.pdf>

22 Taulant Hoxha, Better governance for a greater impact – A Call for citizens, KCSF 2011. https://www.kcsfoundation.org/wp-content/uploads/2017/12/26_02_2014_9442560_KCSF_2011_KCSF_CIVICUS_CSI_Analytical_Country_Report_Kosovo.pdf

23 Kosovar Civil Society Index 2022 dataset, KCSF March 2023.

24 Interview with Taulant Hoxha, Executive Director at the Kosovar Civil Society Foundation (KCSF).



Equally important to the formal participation opportunities provided by the state are: public spaces for people to gather and mobilise around issues of joint interest and financial means for inclusive civic initiatives to be undertaken.

After decades of neglect before 1999 and a rampant privatisation of the majority of public assets in the post-war period, during the last decade Kosovo has been experiencing a movement of revitalising abandoned or closed public spaces and transforming them into community centres and cultural spaces. The successful initiative to save the old cinema in Prizren city centre and transform it into a multipurpose cultural centre²⁵ inspired many activists to follow with reimagining and reinventing other abandoned spaces such as Termokiss²⁶ and Kino Armata in Prishtina,²⁷ Jusuf Gervalla Cinema in Peja,²⁸ as well as new community centres such as Foundation 17 numerous spaces,²⁹ or Hivzi Sylejmani Public Library.³⁰ Until now, this movement has been carried out exclusively by civil society, with public institutions either being indifferent or at the opposite end. The legal foundation underlying these instances of success has been lacking clarity, at best. However, it seems that the positive echo of these actions was able to bring about a policy shift. A recent Concept Document addressing the utilisation of municipal property, has revised its policy objective from a financial gain focus to the pursuit of sustainable development goals encompassing social, cultural, and environmental advancement.³¹ If followed with positive legislation, it may provide great momentum to multiply best practises beyond large cities and cultural spaces.

Though at a slow pace, donors are gradually responding to such developments. A number of forward-looking bilateral donors are funding programmes in support of alternative forms of civic engagement, including non-registered initiatives and individual activists, aimed at strengthening the links of civil society with respective groups of citizens in Kosovo. In 2022 and 2023, the Kosovo Ministry of Culture, Youth and Sports opened non-traditional grant opportunities, including flexible institutional grants or funding for individual activists.³² Although currently insufficient in number, such examples may provide the impetus for other donors and public institutions to consider similar alternatives to support, leading to more inclusive participation in practises.

Conclusion

In a participatory democracy, the state has an obligation to provide timely information, and formal and effective opportunities for public participation and regular dialogue. Kosovo has built a solid legal basis for public participation at all levels of governance. Yet, it is limited in scope and outreach, thus giving the majority of the population no opportunity to influence decisions about their lives and their future.

25 <https://lumbardhi.org/about/lumbardhi-cinema/>

26 <https://www.facebook.com/Termokiss/>

27 <https://www.kinoarmata.org/>

28 <https://www.facebook.com/pejacinema/>

29 <https://foundation17.org/>

30 <https://manifesta14.org/education/collective-memory-of-the-hivzi-sylejmani-library/>

31 <https://kryeministri.rks-gov.net/blog/koncept-dokument-per-dhenien-ne-shfrytezim-dhe-kembim-te-prones-se-palujtshme-te-komunes/>

32 <https://www.mkrs-ks.org/?page=1,114>



Civil society, with all its various methods of manifestation, can be an effective tool for channelling the citizens' needs and voices. The significant development of civil society in Kosovo during the last two decades has been dominated by NGOs and has not been followed by an equally successful connection with citizens. The recent trend of alternative forms of civil society organisations and civic initiatives that are built around inclusive practises has a higher potential to mobilise diverse groups of citizens around issues of their interest. With more citizens involved in the work of civil society, their needs and concerns become more central to the agenda and activities of these civic initiatives, resulting in increased demand that such needs and concerns be addressed within the formal decision-making process. For this to happen, in addition to functional and effective mechanisms for public participation in decision-making, the state also needs to follow the positive practise of creating public community spaces and design adequate funding practises that enable civic engagement. These should further enable a state of democracy where policy and decision-making are guided from below, reflecting the needs and priorities of the citizens and communities they aim to serve.



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Keywords

Kosovo, democracy, inclusive policy-making, civic participation, civil society, public, European Union

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ÖGfE Policy Brief 23 2023



By Dominic Maugeais
Vienna, 27 October 2023
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How to support democratisation in the Western Balkans?

Policy Recommendations

1. Progress in the democratisation of pre-accession countries has directly benefitted their EU accession path; therefore, stronger EU support for the democratisation of candidate countries should lead to more progress within the EU accession process.
2. The EU and its member states need to step up efforts and commit to internal coherence to improve their credibility and external projection as a democratisation actor. This includes increasing efforts to advocate for enlargement internally.
3. A concrete accession date combined with a strong conditionality would help reset the EU enlargement process in the Western Balkans.

Abstract

This Policy Brief claims that the EU pre-accession process in the Western Balkans needs stronger political support for democratisation by the European Union (EU) and its member states. Only progress on the democratisation path can lead to a successful and sustainable transformation of the EU candidate coun-

tries. Once EU accession negotiations are opened, the EU should keep its monitoring and involvement at a high level, since as long as the accession perspective is not underlined with a realistic accession date, the processes are becoming a bureaucratic window dressing exercise.



How to support democratisation in the Western Balkans?

Introduction

In March 2023, the 2nd virtual edition of the global “Summit for Democracy” took place, gathering more than 100 countries for reinforcing the ambition to fight authoritarianism, corruption, and advancing the respect for human rights in a global perspective. With the Summit for Democracy, initiated in 2021, the U.S. seeks to “renew democracy at home and abroad” in a period of a global decline of democracy and rising authoritarianism.¹ In his contribution to the March Summit, EU Council President Charles Michel underlined that there needs to be “more engagement, more listening, and more concrete action to support the countries in their journeys towards prosperity and democracy”.² It seems that the European Union (EU) follows problem identification and the **need for a more assertive approach with regards to support for democratisation**. To what extent is this reflected in the support schemes for democratic development in the EU’s near neighbourhood? And what are the perspectives for bottom-up democratisation in the countries of the Western Balkans that are candidates for EU accession and in the focus of a transformative process induced by the enlargement policy? This Policy Brief sheds light on **the EU’s current approach towards democratic processes in the region** and suggests ways forward on how the EU and its member states can better support these processes. Fostering democratisation from below should be a core interest of the EU and needs facilitating measures from above.

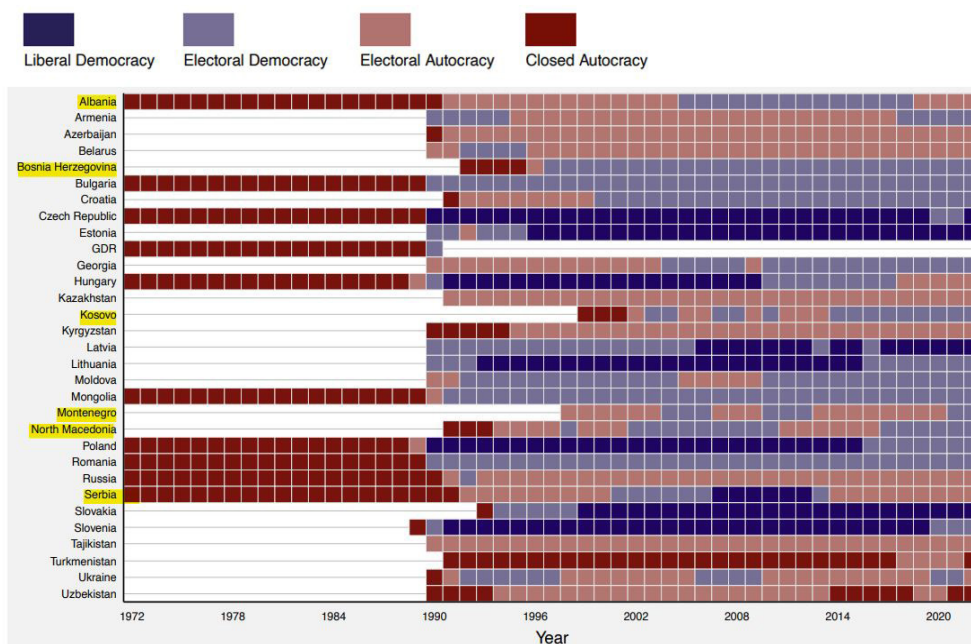
Democratic progress and backsliding in the Western Balkans

Over the last **20 years since the Thessaloniki Summit**, during which the European Perspective was granted to the Western Balkans, democratic developments in the six countries have been uneven and characterised by both democratic progress and democratic decline in each of the countries. These developments have been tracked by different democratisation indices that help to quantify and visualise the trends over time and along specific indicators, such as the Global State of Democracy (GSoD) Indices by the International Institute for Democracy and Electoral Assistance (International IDEA) or the Varieties of Democracy (V-Dem) Report.³ The GSoD Index classifies countries into five categories: “high performing democracies”, “mid-range performing” and “weak democracies”, “hybrid regimes”, and “authoritarian regimes”. According to the latest edition of the GSoD Report 2022, none of the WB countries are classified as “high performing” nor as clear cut “authoritarian”. Kosovo, Montenegro, and

- 1 Whitehouse (2023). FACT SHEET: The Biden-Harris Administration’s Abiding Commitment to Democratic Renewal at Home and Abroad. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/29/fact-sheet-the-biden-harris-administrations-abiding-commitment-to-democratic-renewal-at-home-and-abroad/>
- 2 European Council (2023). Written contribution by European Council President Charles Michel to the Summit for Democracy 2023, 29 March 2023. <https://www.consilium.europa.eu/media/63455/230329-logo-summit-for-democracy-written-contribution.pdf>
- 3 V-Dem Institute. Democracy Reports. <https://www.v-dem.net/publications/democracy-reports/>; The Global State of Democracy Initiative. <https://www.idea.int/gsood/>

North Macedonia are falling into the category of “mid-range performing democracies” while Albania, Bosnia and Herzegovina are considered “weak democracies”, and Serbia is the only “hybrid regime” in the region.⁴ **In terms of tendencies, two countries stand out in a positive and negative way over a ten-year period. Kosovo made the most significant progress in three out of five indicators, and Serbia experienced the highest share of decline in all five indicators.**⁵

The V-Dem Democracy Report (2023) rates the six countries slightly differently according to four categories: “Liberal Democracy”, “Electoral Democracy”, “Electoral Autocracy” and “Closed Autocracy”. None of the countries is considered in the highest category as a “Liberal Democracy” and neither is considered in the lowest category as a “Closed Autocracy”. Bosnia and Herzegovina, Kosovo, Montenegro, and North Macedonia are classified as “Electoral Democracies”, whereas Albania and Serbia are considered in the lower category of “Electoral Autocracies”.⁶ The table below shows the democratic development in Eastern Europe (and Central Asia) over the last three to five decades.



Each change in category is a result of concrete political developments and decisions that also had an impact on the pace of the EU approximation path of the respective countries.

4 Gentiana Gola (2022). Where do Western Balkan countries really stand on democratic performance? <https://www.idea.int/blog/where-do-western-balkan-countries-really-stand-democratic-performance>

5 Ibid.

6 Evie Papada et al. (2023). Defiance in the Face of Autocratization. Democracy Report 2023. University of Gothenburg: Varieties of Democracy Institute (V-Dem Institute), p. 40. https://v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf



Interlinkage between the EU approximation process and democratic reforms

The then-hidden costs of non-acting, however, are becoming visible with an assertive Serbia, that threatens Kosovo and still partners with a war-crime-committing Russia.

Improvements in the democratic performance of the WB6 countries have usually directly benefitted their EU integration path. The fact that Serbia opened EU accession negotiations in 2014 can be considered a result of a phase of “liberal democracy” in the years 2007–2014, preceding a phase of “electoral democracy” from 2001 on with the tenure of Zoran Đinđić who was the first democratic, post-communist prime minister of Serbia, and had been one of the leaders of the democratisation movement. This democratic phase ended with the election of Aleksandar Vučić as Prime Minister in 2014. With a lack of clear accession perspective and the announcement by EU Commission President Jean-Claude Juncker in 2014 to have a **break in the enlargement process for at least five years, the EU lost its leverage too.**⁷ But not only did the enlargement process lose transformative effect, the EU and its member states stood by and watched how the democratic decline took place, without taking serious counteracting measures. Nearly ten years later, Serbia has become a “captured society”, as the most recent Helsinki Committee Report 2022/2023 concludes.⁸ The then-hidden costs of non-acting, however, are becoming visible with an assertive Serbia, that threatens Kosovo and still partners with a war-crime-committing Russia. In light of the recent protest against the autocratic regime of Vučić, it is a pity, that the **EU is not clearly articulating support for the democratic claims of the population.**⁹

North Macedonia and Kosovo were the two countries that made progress on their democratic development paths, despite the less encouraging prospect of EU accession. North Macedonia managed to overcome a period of state capture by former Prime Minister Nikola Gruevski and his VMRO-DPMNE Party (Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity) in 2016. It solved the neighbourly dispute with Greece, changed its name, and acceded to the North Atlantic Treaty Organization (NATO) in 2020. Still, it sees its EU approximation process blocked by Bulgaria on the grounds of identity questions. This stands in contradiction to the EU values of respect for the cultural identities of its member states. **The political blackmailing of acceding countries by its neighbour countries should be avoided by all means** in a concerted effort by all other member states, as it is undermining the credibility of the EU as a whole. North Macedonia officially started accession negotiations with the EU in 2022 but still has to amend its constitution in order to introduce the Bulgarian population as an official minority, as per an agreement

7 Maja Poznatov (2014). Serbia grudgingly accepts Juncker’s enlargement pause. <https://www.euractiv.com/section/enlargement/news/serbia-grudgingly-accepts-juncker-s-enlargement-pause/>

8 Sonja Biserko et al. (2023). Helsinki Committee Report 2022/2023, Helsinki Committee for Human Rights in Serbia. <https://www.helsinki.org.rs/doc/Report2022.pdf>

9 Snezana Rakic (2023). EU’s latest report on Serbia - No mention of protests, Serbian Monitor, 14.06.2023. <https://www.serbianmonitor.com/en/eus-latest-report-on-serbia-no-mention-of-protests/>



facilitated by France. Although the EU has been communicating this compromise as a breakthrough, the chances for a constitutional change are currently bleak; hence, this “deal” could lead to another deadlock for North Macedonia.

North Macedonia and Kosovo were the two countries that made progress on their democratic development paths, despite the less encouraging prospect of EU accession.

Kosovo has experienced democratic consolidation since 2014 and has recently made visible progress in the area of rule of law under Prime Minister Albin Kurti. It has the most pro-European population among the EU candidate countries¹⁰ and has attracted a spike in foreign direct investments due to its improved business environment and the stronger stance of the Kurti government against corruption.¹¹ After years of stagnation in the field of rule of law, the positive developments led to Kosovo officially applying for EU membership in December 2022, and from January 2024, its citizens will profit from visa liberalisations. Its ambition to extend its sovereignty towards the northern part, following the municipal elections, has been sanctioned by the EU, despite the destabilising (re)actions by Serbian proxies. **In order to regain control over the situation, the EU missed an opportunity to exert pressure on Serbia to stop its destabilising activities.** Clear support for Kosovo that is committed to further democratisation is needed and should be the leading narrative in this situation.

Achieving a milestone in the EU accession process, notably starting the EU accession negotiations, did not have a long-lasting effect on the democratic developments in Montenegro.

After starting accession negotiations in 2012, a democratic decline occurred in Montenegro, which went from “Electoral Democracy” to “Electoral Autocracy”. Achieving a milestone in the EU accession process, notably starting the EU accession negotiations, did not have a long-lasting effect on the democratic developments in Montenegro. Nearly a decade later, Montenegro has seen an end to the long-term ruler Milo Đukanović, whose party, the DPS first lost government power in 2020, followed by his own defeat in the presidential elections in March 2023. The new pro-European party “Europe now” has won the parliamentary elections in June 2023, and with the new president, Jakov Milatović, Montenegro could see further progress on its democratisation and EU integration path. The EU should **use the opportunity to revive the accession negotiation process** and use the new methodology, including its reversibility, should a new government not deliver on democratic reforms.

On the one hand, Albania has been recognised for its judicial reform process, on the other hand, the democracy index still classifies Albania as an “Electoral Autocracy”.

10 European Western Balkans (2021). Public Opinion Poll in the Western Balkans on the EU Integration. 8 November 2021. <https://europeanwesternbalkans.com/2021/11/08/public-opinion-poll-in-the-western-balkans-on-the-eu-integration/>

11 CEIC Data (2022). Kosovo Foreign Direct Investment 2009-2022. <https://www.ceicdata.com/en/indicator/kosovo/foreign-direct-investment>



The same applies to Albania, which started EU accession negotiations formally in 2022 together with North Macedonia. On the one hand, Albania has been recognised for its judicial reform process, on the other hand, the democracy index still classifies Albania as an “Electoral Autocracy”. The EU should not make a similar mistake as in Serbia and instead **prioritise a genuine democratisation** of the Albanian political system over the alleged stability of a more autocratically governed Albania under Edi Rama. Its clear foreign policy alignment and pragmatic regional policy should not prevent the fact that grassroots democratic actors should be supported by the EU.

In terms of democratisation policy, the EU should implement effective sanctioning policies towards actors that seek to undermine the Dayton agreement and pose a threat to the country's sovereignty and territorial integrity.

Bosnia and Herzegovina (BiH) received EU candidate status in December 2022, which was a political signal of support for the country in light of the Russian aggression against Ukraine and the successive granting of candidate status to Ukraine and Moldova in June 2022. In terms of democratisation policy, the **EU should implement effective sanctioning policies** towards actors that seek to undermine the Dayton agreement and pose a threat to the country's sovereignty and territorial integrity. Milorad Dodik's recent attack on the competence of the Constitutional Court of BiH is a case in point.¹² The EU should flank its support for democratisation with clear political measures and further increase its security presence on the ground. While trying to pursue a civic rights-based democratisation policy, the EU should be led by the logic of supporting the representatives of the victims of the wars in the 1990s.

The EU should flank its support for democratisation with clear political measures and further increase its security presence on the ground.

A new momentum for democratisation?

With the granting of the EU membership perspective to Ukraine, Moldova, and Georgia, the EU seems to have created a new enlargement momentum.¹³ Besides the fact that the accession perspective has been linked to a prior EU internal reform by German Chancellor Olaf Scholz, which could raise scepticism regarding the materialisation of enlargement, it is primarily the enthusiasm of the population in Ukraine, Moldova, and Georgia and the governments of Moldova and Ukraine that show the willingness for reform and have revived the process. The reactions from the WB region are understandably less enthusiastic after 20 years of unfulfilled promises, and vary between scepticism, perception of competition with the new candidate coun-

12 Azem Kurtic (2023). Bosnia's Serb Entity Passes Law Rejecting Constitutional Court's Authority, 28 June 2023, Sarajevo. <https://balkaninsight.com/2023/06/28/bosnias-serb-entity-passes-law-rejecting-constitutional-courts-authority/>

13 Ian Bancroft (2023). Is There Really New Momentum Behind EU Enlargement? <https://balkaninsight.com/2023/03/13/is-there-really-new-momentum-behind-eu-enlargement/>



tries, and entitlement to be the first in the row to accede. The political elite is reluctant to pursue immediate serious reforms in the sphere of the rule of law when the benefits of EU membership are still not linked to a clear accession date. What should the EU and its member states do to re-energise the process? They should, on the one hand, focus on **supporting genuine grassroots pro-European actors** and, on the other hand, increase the **pressure on governments to enable democratic participation**. They should clearly side with the pro-European population to show their support. The **negative conditionality of the Instrument for Pre-accession Assistance (IPA) III funds should be used**, meaning the possibility of adjustment or even suspension of funds in the case of a significant decline or continued lack of progress in fundamental areas, including the fight against corruption, and organised crime, and media freedom. Furthermore, as a recent report from the Democratization Policy Council (DPP) suggests, EU aid to governments should be transparent and reviewable by citizens, and the support programmes for civil society should not depend on changing donor funding trends but include a **bottom-up programming process in which civil society and ordinary citizens are involved in the priority setting**.¹⁴ This would increase the coherence of the struggle for democratisation and reduce the perception of civil society organisations as actors that are disconnected from the population. The EU and its member states should always side with the pro-EU majorities in the populations until they are able to “generate sufficient electoral momentum to bring to power reformist leaders”.¹⁵ **Finally, the EU and its member states are also responsible for advocating internally for the acceptance of another EU enlargement round.** As long as the internal message to EU citizens is not coordinated and convincing, the external projection of a transformative effect will remain weak. A concrete accession date combined with a strong conditionality would help reset the EU enlargement process in the Western Balkans.

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- 14 Kurt Bassuener et al. (2023). Gaslighting Democracy in the Western Balkans: Why Jet-tisoning Democratic Values is Bad for the Region and the Liberal World, DPC Policy Paper, Sarajevo, Brussels, Berlin. http://www.democratizationpolicy.org/wp-content/uploads/2023/03/DPC-Policy-Paper_Gaslighting-Democracy.pdf
- 15 Dimitar Bechev (2022). What Has Stopped EU Enlargement in the Western Balkans? Carnegie Europe, published 20 June 2022. <https://carnegieeurope.eu/2022/06/20/what-has-stopped-eu-enlargement-in-western-balkans-pub-87348>



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Keywords

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By Isak Missini, Dimitar Nikolovski
Vienna, 27 October 2023
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Tackling the local beyond partisan politics. Can independent lists in North Macedonia boost local democracy?

Policy Recommendations

1. Form strategic coalitions with established political parties based on policies, not loyalty.
2. Wider cooperation with different actors and on various topics is necessary. The "Green Humane City" and "Chance for Centar" movements should continue to deliver on their campaign promises, especially through increased collaboration with other political parties (not just those present in municipal councils).
3. "Chance for Centar" should follow "Green Humane City's" good practise of conducting public opinion research to gather information first-hand about the increased communication between the Ministry of Information Society and Administration and reluctant institutions in order to convince them of the benefits of being a part of the digital system and offer digital services.

Abstract

At the local elections of 2021 in North Macedonia, eight independent groups with green politics ran for municipal councillors. The Policy Brief analyses the work of "Green Humane City" in the City of Skopje and "Chance for Centar" in the Skopje

municipality of Centar. The relative successes and failures of the two groups point to a public interest in solutions beyond partisan politics but also to certain shortcomings in terms of cooperation, transparency, and strategic communications.



Tackling the local beyond partisan politics. Can independent lists in North Macedonia boost local democracy?

Introduction

The local elections of 2021 in North Macedonia were marked by two highlights. First, the power at the local level shifted yet again from the Social Democratic Union of Macedonia (SDSM) to the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE). In fact, the senior ruling party at the central level, SDSM, managed to win only three mayoral seats, with similar low success in the representation in the municipal councils. Second, these elections saw an upsurge of independent, local lists comprised of coalitions between activists not affiliated with political parties, people affiliated with civil society organisations, media workers, and experts, all concentrating on green politics, social justice, participatory democracy, and related priorities. At least eight such groups, in eighty-two municipalities could be identified, with unprecedented electoral success:

- "Green Humane City" in the City of Skopje, who won two seats;
- "Chance for Centar" in the Skopje municipality of Centar, who won three seats;
- "Independent for Karposh - For the Protection of Karposh" in the Skopje municipality of Karposh, who won two seats;
- "Greens of Gazi Baba" in the Skopje municipality of Gazi Baba, who didn't win any seats;
- "Better for Tetovo" from Tetovo, who didn't win any seats;
- "Ohrid above all" from Ohrid, who won one seat;
- "Differently - Bitola" from Bitola, who won three seats, one of whom was elected as Chairperson of the Council;
- "Enough is Enough", who ran in three municipalities - Strumica, Novo Selo, and Bosilovo - and won one seat in each of them.

In this Policy Brief we shall concentrate on the two most visible groups, "Green Humane City" (hereinafter GHC) and "Chance for Centar" (hereinafter CfC), with the purpose of evaluating their success and giving policy recommendations on their internal functioning, forming strategic coalitions, and communication with various stakeholders.

Green Humane City

Under the slogan "Let's reclaim Skopje", the civic initiative GHC participated in the local elections in October 2021 with its candidate for mayor, Ana Petrovska, as well as a list of councillors led by Dragana Velkovska. This initiative aims to make Skopje "green and humane" for its residents (GHC Election Programme, 2021, p. 3). As an informal coalition of over twenty organisations and activist groups, GHC's mission is to achieve "essential institutional change by shifting power from the political and business elite to the citizens" through sustainable development, social justice, a just transition, ener-



gy independence, a clean environment, urban mobility, and animal protection (ibid., p. 4). Of primary importance, they emphasise the need for:

- Greening of Skopje;
- Halting uncontrolled urbanisation/construction;
- Establishing fast, safe, accessible, and environmentally friendly public transportation;
- Transforming waste into value (circular economy);
- Improving air quality in Skopje;
- Engaging youth;
- Caring for marginalised and vulnerable groups;
- Ensuring care for homeless animals;
- Civic participation (ibid., pp. 6-11).

It is important to note the constituent organisations of the GHC initiative, whose interests align with their stated priorities.¹ These include “Anima Mundi” (regarding care for homeless animals, as well as GHC’s proposal to nominate Radmila Pesheva as the director of the public enterprise “Lajka”), “Bidi Zelen – Be Green” (in relation to greening the city and halting urbanisation), “Romalitiko” (regarding care for marginalised and vulnerable groups), and others.² In the Skopje City Council, which consists of a total of forty-five (45) councillors, the GHC initiative has two councillors (Dragana Velkovska and Gorjan Jovanovski) (Skopje City Council, 2021-2025).

It is important to note the constituent organisations of the “Green Humane City” initiative, whose interests align with their stated priorities.

Chance for Centar

From the very beginning, they were determined that their ultimate goal was to enter the Municipal Council.

This civic initiative brings together activists and experts in the fields of architecture, urbanism, sports, culture, and the environment (Chance for Centar, 2021). From the very beginning, they were determined that their ultimate goal was to enter the Municipal Council. Therefore, they did not have their own candidate for mayor in the local elections of 2021, as can be seen in their response to the question of why they did not propose a candidate for mayor: “We believe that the power lies in the Council, which is elected by the residents and should act in their favour... The previous practise has shown that councillors mistakenly think they are elected by the parties and... their actions should be... in the party’s interest...” (ibid.). Their election programme (2021) lists a range of thematic objectives (some falling under the legal responsibilities of the City of Skopje, not individual municipalities within the city like Centar Municipality),

1 Regarding the GHC nominations, you can find more information at the following link: <https://mojgrad.mk/sovet/#nominacii>

2 For the list of all constituent organisations of the GHC initiative, please refer to the “Green Human City” (GHC) source. (2021). Election Programme for the Local Elections 2021. p. 4.



including urban planning, local economic development, environmental and nature protection, traffic and transportation, infrastructure, etc. In the section on urban planning, for example, they have identified the following priorities:

- Creating a vision for future spatial development, taking into account the values, significance, and physical structure of Centar Municipality;
- Increased involvement of relevant and proven experts and the academic community in the development of the new General Urban Plan (GUP);
- Transparency embedded in the publication of relevant information;
- Strengthened coordination among all stakeholders in the process of developing spatial plans and projects.

Many similarities can be drawn between this initiative and the GHC initiative, as emphasised in their promotional video (2021). CfC opposes urbanisation and polluted air while advocating for tree planting, safe traffic, accountable spending of the municipal budget, waste recycling, transparency, etc. In the Centar Municipality Council, composed of a total of twenty-three (23) councillors, the CfC initiative has three councillors (Jana Belcheva Andrejevska, Divna Penchik, and Jane Dimeski).

Many similarities can be drawn between this initiative and the GHC initiative, as emphasised in their promotional video (2021).

Activities and achievements

Green Humane City

In a letter dated November 28, 2021, GHC Councillors Gorjan Jovanovski and Dragana Velkovska delivered a package of amendments to the President of the Council of the City of Skopje.³ These amendments were proposed by certain civic organisations and activist groups that are constitutive parts of the GHC initiative. Specifically, out of the thirty-three (33) amendments submitted,⁴ five (5) were accepted. The accepted amendments can be seen in the table (p. 5).

One of the first activities of GHC was their protest in front of the Public Prosecutor's Office (PPO) in December 2021 due to the announcement of "construction of" high-rise buildings near the "Holiday Inn" hotel. The protest was initiated by GHC based on their suspicions of corruption and abuse of office. It is worth noting that the protest was organised in cooperation with CfC (Mkd.mk., 2021). However, the building plans continued, and the prosecution has not initiated any proceedings since.

In November 2021, a new section of the MojGrad platform called "Work of the Skopje City Council" was established. This section allows citizens to follow the daily agendas of the Council, watch live streaming of sessions, access materials, view voting records on each agenda item, and find contact information for all councillors from any council group. The MojGrad platform (launched in May 2021) serves as a digital extension of the GHC coalition of civil society organisations. Gorjan Jovanovski, a

3 The full letter can be seen at the following link: https://docs.google.com/document/d/1r_IGYH_RC01CoU76si0JlvXC5RK9kxUpoE5gdpjRyg/edit?usp=drive_link

4 All amendments can be seen at the following link: https://drive.google.com/drive/folders/1zhY0Z6mnMqXw2jvOoAM9b_kpiu38W8Hs

councillor in the City of Skopje, is the founder of the platform (MojGrad, n.d.). Through this platform, citizens can submit project proposals and policies related to improving the overall well-being of Skopje and addressing local issues with a focus on a more humane, green, and beautiful city (ibid.).

GHC initiated the process of developing a new General Urban Plan (GUP) for a green and humane Skopje in 2023.

Number	Short Description	Sponsor of the bill
X	"The Strategic Document for Traffic Safety – Vision Zero – Vision for Skopje Without Casualties" aims to review the factors that influence safety, including the street environment, street design, legislation, speeds, police enforcement, etc. It intends to analyse unsafe locations in Skopje, make comparisons with other cities and the implemented measures that have yielded results, and provide guidelines for changes in various areas (legislation, street design modifications, implementation of 30 km/h zones, penalty policies, and digital registration of traffic accidents within the territory of Skopje).	NaTochak (OnBikes) – initiative of bicycle enthusiasts
XXIV	"Street Children" – In the city of Skopje, at many intersections and throughout the city centre, children of all ages can be observed begging, washing cars, or selling certain products near hospitality establishments. We propose that funds be allocated to establish a multidisciplinary and expert team to develop a strategy for the inclusion of street children in education in the City of Skopje.	First Children's Embassy "Meglashi"
XXVII	"Creating a City Network of Air Pollution Monitoring Stations" – Establishing a citywide network of air quality monitoring sensors that can provide real-time alerts for increased air pollution in specific areas of the city. The hyper-network enables more detailed monitoring of air pollution and immediate detection if it originates from residential areas or industrial facilities.	Gorjan Jovanovski – Creator of the AirCare app
XXI	"Composting Urban Biowaste: A Solution for Hunger and the Climate Crisis" – Food waste directly contributes to the climate crisis. When this waste is properly managed and composted, it not only prevents pollution and waste but also creates value in the form of high-nutrient fertilizer (compost), which can be used in agriculture and horticulture, as well as a raw material for urban gardens that help combat hunger. To address this environmental problem, which significantly affects the quality of life in Skopje, I propose the creation of urban mini-composting facilities in each municipal district and one central facility at the city level, involving the population in the process.	"Production of Organic Fertilizers and Substrates 'MAMA ORGANA' – Skopje"
/	For the Supervisory Board and Management Board of the Public Enterprise "Lajka", the GHC initiative has nominated the following individuals: For the Management Board: Milka Dokuzeva, Elena Piponska, Magdalena Chaparovska, Aneta Darkovska, and Mica Kimovska Hristova. For the Supervisory Board: Igor Raiden and Simona Delovska.	GHC



GHC has also submitted fifteen (15) nominations for the City Green Council (Eco-Council) to address urgent environmental issues. GHC initiated the process of developing a new General Urban Plan (GUP) for a green and humane Skopje in 2023. The process involved experts from Bulgaria who shared their experiences regarding the Sofia Vision. Notably, a representative of GHC in the Skopje City Council has emphasised the lack of transparency in the development process of the 2022-2032 GUP for Skopje, as the first phase of the planning programme was completed at the Faculty of Architecture but has not been publicly released.⁵ In contrast, in January 2023, the first decision regarding interventions in green spaces was publicly announced following GHC's request to disclose all decisions (ibid.).⁶

GHC's advantage in terms of public communication is their presence on the Discord platform, which primarily targets young people.

Since March 2023, GHC has been conducting an analysis of public opinion through an electronic questionnaire titled "My Three Biggest Issues in Skopje". The aim is to contribute to the timely resolution of these issues. GHC has had several rejected initiatives, including proposals for pets in public transport and increasing the budget of the cultural centre of Skopje (Youth Cultural Center). GHC's advantage in terms of public communication is their presence on the Discord platform, which primarily targets young people.

In conclusion, GHC has presented a concrete plan (fifteen proposals) to reduce air pollution through the instruments of the Skopje City Council. These proposals include emergency measures (instructing the Hydrometeorological Service to initiate temperature inversion forecasts), establishing a public register of legal entities required to have an integrated B-permit, prohibition of wider traffic lanes on boulevards than prescribed by the Urban Planning Regulation (3 metres), banning the use of plastic utensils and packaging, creating new bicycle parking spaces and bicycle parks, amending and supplementing the [Short-Term Action Plan for Air Quality Protection in Skopje and Skopje Municipalities](#) (2017) based on the latest scientific knowledge, establishing a network of monitoring stations, comprehensive bicycle infrastructure, establishing biocomposting facilities in each municipality within the City of Skopje, organising workshops for plastic waste recycling, integrating photovoltaic systems into all facilities under the jurisdiction of the City of Skopje, subsidising individual household systems (inverters, etc.), subsidising energy-efficient facades for individual housing, implementing a bicycle-sharing system, and developing public transport (GHC, 2023). These measures are projected to be implemented by the end of the councillors' term (2025), but there is no information available at the time of this analysis regarding the implementation's progress.

GHC has presented a concrete plan (fifteen proposals) to reduce air pollution through the instruments of the Skopje City Council.

5 Taken from their Facebook profile: <https://www.facebook.com/ZelenHumanGrad/posts/341171137871043>

6 The full set of decisions can be accessed here: https://resenija.mk/sektor-za-komunalni-raboti/?fbclid=IwAR1q7kCELDsmeCriKooqio_bJJHjCDQTUHLf67ISjHTy6xCr4r0wl-Ji3OY



In terms of public perceptions, GHC receives the most criticism from opposition parties at the local level, with the claim that they are trading their votes for director positions and the employment of their activists.

One and a half years after the local elections, on social media, a group of citizens who voted for the GHC council list clearly expressed dissatisfaction. Specifically, with the election of Pesheva as the director of the Public Enterprise for Welfare of Stray Animals, "Lajka", the perception in the public is that this council group is trading their votes in the council for positions and power from the mayor of the City of Skopje, Daniela Arsovska, and that they are not loud enough on crucial matters.⁷

In terms of public perceptions, GHC receives the most criticism from opposition parties at the local level, with the claim that they are trading their votes for director positions and the employment of their activists.

Chance for Centar

CfC organised a protest in cooperation with GHC against the construction of high-rise buildings near the "Holiday Inn" hotel, expressing their revolt due to suspicions of corruption and abuse of office. CfC's programme for implementation in 2022 includes several thematic objectives, and they have taken various activities, predominantly in the form of amendments, in the Center Municipality Council (where CfC has three councillors):

- They proposed the public release of an interactive map displaying building permits in all phases before approval, as well as objects in the legalisation phase. In September 2022, CfC presented a map showing ongoing construction in the Center Municipality and issued building permits in the area.⁸
- They proposed projects aimed at improving citizens' safety and addressing issues related to air pollution, waste, noise, light pollution, and animals. In December 2021, CfC informed that they had submitted an amendment (which was rejected) for the procurement and installation of noise sensors. They also submitted an amendment (which was rejected) to allocate a budget for environmental impact assessments during the development of spatial plans.
- They proposed the publication of a systematisation of job positions, organisation charts, contact information of employees, responsible persons in various areas, and other information on the official website of the municipality. They aimed to promote transparency and enable efficient two-way communication with citizens. In December 2021, CfC submitted an amendment (which was rejected) to add public information about the municipality's work and services on its website.

7 <https://www.facebook.com/joci.jocik/posts/pfbid0zbnk8JHZWHkGt4M43FGUTxrcA-zwf2nE48eofGA7WB2V82sVvBrDe2fB88uCUvw1Jl>

8 The map can be accessed at the following link: https://www.google.com/maps/d/u/0/viewer?mid=1OvgmmWWi9rVQaiK5P1mF3FHPB_iVVOY&hl=en&fbclid=IwAR1RB58gi-WgA1B43Z2YmQDdlmeFAf0VkJHwywbMSkO8PJ_WmamiQmam-rlsEo&ll=41.99306187403487%2C21.426906250000002&z=13



Overall, CfC's activities can be summarised as amendment interventions, although the majority of their proposed amendments have been rejected.

The only accepted amendment submitted by CfC to the Center Municipality's 2022 work programmes is related to the Johann Heinrich Pestalozzi School. This amendment pertains to the development of a declaration programme for the architectural and cultural heritage of the school facility.

On [CfC's official Facebook page](#), numerous rejected amendments can be seen in the form of published images/infographics. They provide explanations for the rejections. Overall, CfC's activities can be summarised as amendment interventions, although the majority of their proposed amendments have been rejected.⁹

Regarding the work of CfC councillors in the Municipality Council, their efforts have been overshadowed by public accusations and conflicts with the Social Democratic Union of Macedonia (SDSM), which holds the majority of council seats. These disputes revolve around the budget approval process and the election of the Council President. According to SDSM, only CfC councillors did not provide their support during the budget adoption process. Additionally, Jane Dimeski from CfC was nominated as the Council President candidate (by SDSM), but he declined the nomination, stating that he was proposed without consultation by the SDSM council group. CfC concluded that they would not aim for that position (M.D., 2021).

Conclusions and recommendations

GHC is composed of non-governmental organisations, while CfC consists of individual activists and experts.

In the local elections held in October 2021, two independent civic lists, GHC and CfC, ran as candidates. The first is composed of non-governmental organisations, while the second consists of individual activists and experts. Both movements declare themselves independent and aim to return power from the political and business elite to the citizens, as stated on their respective websites.¹⁰ The GHC initiative holds two council mandates, while the CfC has three in the councils of their respective municipalities. Based on the conducted research, several conclusions can be drawn:

1. GHC and CfC have clearly defined and identical goals, such as countering negative perceptions of urbanisation (as evidenced by their joint protest against the construction of high-rise buildings near Holiday Inn) and their council candidates'

⁹ One example of the rejection of an amendment by CfC is the proposal for the development of a Strategy and Action Plan for Social Protection with social mapping for the period 2022-2027 as a basis for future planning, with the explanation that the results from the census are sufficient for future planning. All other rejections can be found on their FB profile: <https://www.facebook.com/ShansaZaCentar/>

¹⁰ With such proclamations, their rhetoric goes in line with the notion of progressive populists, who self-proclaim as the "saviours" of ordinary citizens from the "deep state", the "corrupt 1%", "them", "the oligarchs", and so on, while addressing social inequality, promoting social justice, and challenging established power structures. They position themselves as intermediaries for returning power to the hands of ordinary citizens. See Kioupkiolis, 2019.



outspoken opposition to excessive construction. They emphasise greening initiatives, traffic safety, increased transparency and accountability in Council work, monitoring and improving air quality, strengthening citizen participation at the local level, and more.

2. GHC has had more successful actions and amendment interventions compared to CfC, which had only one. This difference could be attributed to the fact that GHC is backed by established organisations with their own human and financial resources. Four out of the five accepted amendments proposed by GHC were formulated and presented by the constituent organisations of the initiative itself, not the council members.
3. Both initiatives have a presence on social media platforms, especially Facebook, in terms of frequency of posts and two-way communication with citizens. However, CfC has room for improvement in terms of data availability and transparency.

As can be seen from these two examples, it is much easier to successfully promote the interests of citizens who are not aligned with political parties at the local level rather than the central one.

The limited success of these movements leads to the main finding that yes, independent lists can boost local democracy, and these two cases can be taken as examples of lessons learned. They give citizens more direct access to policy-making at the local level, with fewer “filters” that political parties have. In a clientelistic, overall partitioned society such as North Macedonia, outside “players” are difficult to influence politics since they do not have access to executive power (thus, no informal bargaining power) and must rely on values and adequate identification of popular interests. Furthermore, utilising the capacities of already-established entities, such as independent civil society organisations, can give additional strength to these lists. Nevertheless, as can be seen from these two examples, it is much easier to successfully promote the interests of citizens who are not aligned with political parties at the local level rather than the central one.

The successes of the movements GHC and CfC contribute to increasing citizens’ trust in independent candidate lists as a true “third voting option” and alleviating the so-called “wasted vote syndrome”. This phenomenon, when framed within the debates on open lists in elections that use a proportional electoral model (parliamentary and municipal council elections), represents progress towards greater democratisation of Macedonian society. However, at the same time, there is a possibility of democratic backsliding, which occurs when such independent movements act contrary to the demands and needs of the citizens. The GHC movement is clearly aware of this potential negative phenomenon, which is why, since March 2023, it has been conducting electronic public opinion analysis on the needs of citizens in the City of Skopje.

The successes of the movements GHC and CfC contribute to increasing citizens’ trust in independent candidate lists as a true “third voting option” and alleviating the so-called “wasted vote syndrome”.

Looking ahead to the 2025 local elections, considering the achievements of both movements at the local level (as mentioned above), which can be seen as a catalyst for their further involvement in the political scene, it is appropriate to provide a set of recommendations. These recommendations serve as a general theoretical



framework not only for advancing the movements mentioned in this analysis but also for future similar civic initiatives. They can be summarised as follows:

- 1. Wider cooperation with different actors and on various topics is necessary. The GHC and CfC movements should continue to deliver on their campaign promises, especially through increased collaboration with other political parties (not just those present in municipal councils).** In the current polarised and fragmented political scene, such collaboration is more challenging than ever but also more crucial than ever. Therefore, the proposal in this field is for the movements to rely on neofunctionalist theory, which has proven to gradually ensure high levels of cooperation through initial collaboration in smaller (less significant) areas, which then establishes the conditions (basis) for collaboration and compromises on a larger scale (Haas, 2008). For example, collaboration could begin in the field of culture. Increasing legislative support would also secure a larger voter base for the upcoming local elections.
- 2. CfC should follow the example of GHC in terms of transparency and accountability.** Following GHC's example, CfC should increase its transparency in a comprehensive and accessible manner regarding the work of its councillors in the municipal council, including:
 - Questions raised by their councillors;
 - Committees in which their councillors participate;
 - Nominations made by CfC for working groups, councils, and committees in all institutions under the municipality's jurisdiction;
 - Updated financial reports for the movement (the latest available on their website, as of the date of this analysis, is from November 3, 2021);
 - An updated list of activities (achievements and unsuccessful initiatives).
- 3. CfC should follow GHC's good practise of conducting public opinion research to gather information firsthand about the issues affecting the citizens of the municipality.** This way, the movement ensures that it seeks solutions to the real (legitimate) problems of its constituents.
- 4. Form strategic coalitions with established political parties based on policies, not loyalty.** This way, the accusations that they are merely hidden 'servants' of the major parties will have fewer effects.
- 5. CfC should form partnerships with civic organizations operating in the municipality's territory.** This will strengthen CfC's possibly limited professional, human, and financial resources.
- 6. Strengthening civic capacities through workshops, educational campaigns, and public forums to increase visibility and active citizenship.** Through continuous objective education of their constituents, GHC and CfC would contribute to strengthening democratic capacity, reducing the chance of manipulation, and encouraging local debate on the issues faced by citizens.
- 7. Regular and two-way communication.** Easily accessible communication channels need to be established between the movements and constituents through newsletters, social media, local meetings, etc., to gather feedback from citizens regarding the movements' work. GHC has good practises in this field.



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Rebuilding democracy from below: A case for local communities in Montenegro

Policy Recommendations

1. Local communities at the outset must have their own working spaces, as well as professionalisation of the individuals working within them, whose work will be remunerated by the municipality.
2. All local communities should open bank accounts, and municipalities should allocate specific funds from the budget for them. Control over fund outflows from the bank accounts of local communities should be carried out by local communities. Official email addresses and dedicated websites should be set up for more efficient communication with citizens, ensuring complete transparency.
3. Local communities should have a compiled population register for their locality on their websites.

Abstract

Montenegro has been experiencing a crisis in democracy for several years now. This Policy Brief explores the role that local communities (LCs) have and/or can have within the context of democratic elections, democratic governing, and institutional reforms in Montenegro. We argue that through the development of local communities and their civil input from below, through giving them space, both physically and legislatively, for local communities to develop as separate governing bodies in relation to local governments, state governments, and the National Assembly,

Montenegro can help accelerate the reforms that are necessary for the country to become a part of the EU, improve the socio-economic position of vulnerable groups in multiple parts of the state, and decrease social and political inequality among different individuals and groups. The democratic potential that lies in local communities, as legally defined governing bodies, needs to be utilised in order to address the ongoing crisis of democratic governing in Montenegro and help the country accelerate key reforms in the EU accession process.



Rebuilding democracy from below: A case for local communities in Montenegro

Context

Tackling the issue of democracy from below on the case of Montenegro, characterised in recent years as a stabilocratic¹ or a hybrid, transitional regime,² with recent shifts in power that haven't occurred in decades, means first addressing the state of play at the central level of governing.

An unstable relationship between two assemblies and two governments in the past three years, after the fall of a 30-year-long regime led by the Democratic Party of Socialists (DPS) regime, has shaped and continues to shape the political situation in Montenegro. The government currently in power is the so-called government with a technical mandate³ and in the last year, several controversial decisions by the National Assembly regarding the Judiciary and Prosecution reforms⁴ are still ongoing as of the moment of writing. Their outcome, though, could potentially be another short-lived government, without support or political will for reforms from the Parliament as well as its constituting actors.

Thus, coming back to the issue of democracy from below in Montenegro means taking a different point of view on the political system in Montenegro and, from a different angle, arguing for a higher degree of decentralisation, dispersion of power, and alternate mechanisms of active citizen participation.

Local communities⁵ (LCs) are a primary and fundamental community for solving local issues.⁶ According to the Montenegrin Law on Local Self-Government⁷, LCs are defined as a starting point for solving the problems of citizens in the most narrow localities (i.e., neighbourhoods, villages, etc.). An LC is thus a legal, governing entity that has the possibility of complete, separate functioning in relation to local self-gov-

- 1 Democracy or stabilocracy: negative democratic trends in Montenegro. Source: <https://www.cedem.me/en/news/demokratija-ili-stabilokratija-negativni-demokratski-trendovi-u-crnoj-gori/>
- 2 Nations in Transit report 2023 - Montenegro. Source: <https://freedomhouse.org/country/montenegro/nations-transit/2023>
- 3 Deputies have been blocking the judiciary for years, and are not taking responsibility: "If there is no agreement, dissolve the parliament". Source: <https://www.vijesti.me/vijesti/drustvo/647169/poslanici-godinama-drze-pravosudje-u-blokadi-a-ne-snose-odgovornost-ako-nema-dogovora-raspustiti-parlament>
- 4 A new convocation of the Parliament of Montenegro was constituted, the president was not elected. Source: <https://www.slobodnaevropa.org/a/konstituisan-novi-saziv-skupstine-crne-gore/32522619.html>
- 5 The term refers to mjesna zajednica, which is the lowest defined level of government in Montenegro.
- 6 Local communities do (not) care about the needs of citizens. Source: <https://www.vijesti.me/vijesti/drustvo/597050/mjesne-zajednice-ne-brinu-za-potrebe-gradjana>
- 7 Law on Local Self-Government in Montenegro: <https://www.paragraf.me/propisi-crne-gore/zakon-o-lokalnoj-samoupravi.html>



ernment (LSG), where the LSG governing a municipality, as a higher authority, has to delegate some of its' jurisdictions to an LC governing a certain locality inside the municipality.

Local communities (LCs) are a primary and fundamental community for solving local issues.

During March, the non-governmental organisation The Center for Civil Liberties (CEGAS) and media outlet Vijesti conducted a four-day online survey on the topic of the role and activities of local communities⁸ in Montenegro. On a sample of 682 citizens from 22 municipalities,⁹ 76.7% of citizens responded that they never had contact with the LC governing the locality where they live, while only 6% responded that their LC helped them achieve some of their rights at some point. 97% of citizens responded that they don't know anything about the finances managed by their LC.

According to the additional research from 2023, 23 LCs¹⁰ in the capital, Podgorica, do not have secured internet access or email addresses. The situation is mostly the same in other municipalities. Field research,¹¹ conducted in the form of visits to LCs in the area of Podgorica municipality has shown that almost none of them were functional during their working hours or held meetings with citizens. Furthermore, LCs are not stationed in their designated and legally defined spaces, but rather they are using spaces that LSGs provide without any specific compensation. As a consequence, this results in various misuses of spaces designated for LCs.¹² A recent report on market inspection resulted in the shutdown of three such facilities and the processing of three owners.¹³

Thus, legally enabled mechanisms for citizens' participation are not being utilised at all.

According to the information acquired through requests for free access to information sent out to all municipalities in Montenegro, since 2016, not a single civil referendum has been held, citizens' assemblies have been held around ten times, and there have been no civil initiatives at all. Citizens' assemblies, however, have been held only at times when it was required to elect a council as the body of their government. Thus, legally enabled mechanisms for citizens' participation are not being utilised at all.

8 Questionnaire: What do you know about the role and affairs of your local community? Source: <https://www.vijesti.me/vijesti/drustvo/648843/upitnik-sta-znate-o-ulozi-i-poslovima-vase-mjesne-zajednice>

9 Out of 24 municipalities in Montenegro.

10 Out of 50 LCs in Podgorica.

11 Control all spaces given for use by local communities. Source: <https://cegas.me/2023/08/18/kontrolisati-sve-prostore-date-na-koriscenje-mjesnim-zajednicama/>

12 Control all spaces given for use by local communities. Source: <https://cegas.me/2023/08/18/kontrolisati-sve-prostore-date-na-koriscenje-mjesnim-zajednicama/>

13 Control all spaces given for use by local communities. Source: <https://cegas.me/2023/08/18/kontrolisati-sve-prostore-date-na-koriscenje-mjesnim-zajednicama/>



The principle of decentralisation, as a key principle of local governance, as well as the legal solution defining the work of local communities in Montenegro, thus do not exist.

LCs do not function in practice, and they do not fulfill their designated role as such. In the past, they were usually most visible during electoral campaigns, when they usually served as a space of gathering for those supporting the structures in power.¹⁴ Without knowledge about LCs, as can be seen from the survey results, citizens are often forced to address the immediate local issues to the National Assembly or the central government, which is not in charge of solving the immediate issues in specific localities. The principle of decentralisation, as a key principle of local governance, as well as the legal solution defining the work of local communities in Montenegro, thus do not exist.

These examples from Montenegro alone can help us understand better why LCs, their activities and practices, as well as active citizen participation on the ground, can be catalysts for social change.

Circling back to the role that LCs can have in the democratic transformation of Montenegro, we can look at several examples of LCs from Montenegro that have been able to establish themselves as functional through citizens' initiatives and actions that transformed the communities in which they were active. Through juxtaposing several examples of positive and negative practices of LCs in Montenegro, we will expose the issues LCs are facing as separate governing bodies, as well as citizens as bearers of rights, and address the need to improve the position of LCs in Montenegro. These examples from Montenegro alone can help us understand better why LCs, their activities and practices, as well as active citizen participation on the ground, can be catalysts for social change.

Different places, different problems

Župa is a rural local community inside the municipality of Nikšić. It consists of twelve villages and neighbourhoods, and according to the most recent population census held in 2011, it numbers around 3,700 residents.¹⁵ The area belonging to LC Župa is characterised by fertile land and the presence of minerals. Since 2016, LC Župa has been under the management of a council whose president is Dragoljub Radulović. He is often affirmed as the main actor initiating change in this locality.

This LC does not get any funds from concessions made between the governing LSG Nikšić and the mine "Boksiti", located on the territory of LC Župa, which are worth around 700,000 EUR a year. He also emphasises that through other channels, around

14 Questionnaire "Vijesti" and NGO CEGAS on the role and affairs of local communities: On paper the closest, in practice almost foreign. Source: <https://www.vijesti.me/vijesti/drustvo/650622/upitnik-vijesti-i-nvo-cegas-o-ulozu-i-poslovima-mjesnih-zajednica-na-papiru-najblize-u-praksi-gotovo-strane>

15 <https://zupa.today/zupa.html>



800,000 EUR a year are “flowing” into the LSG Nikšić budget, out of which none are directed to the LCs budget.¹⁶

Yet, through continuous participatory initiatives and actions, since 2016, among other things, on the territory of this LC 40 kilometres of village roads have been constructed or reconstructed; reconstruction of the main road has been initiated; a central kindergarten with two separate local departments has been built, alongside three sport fields for the local elementary school; an active participation in the renewal of the museum of fiddles has been initiated; a pharmacy has been opened, six youth homes have been reconstructed and financial and material educational support has been provided to children.¹⁷ Also, the website “Župa u srcu”,¹⁸ registered as a local NGO, serves as a media outlet and a communication channel for this local community through which citizens can voice their concerns and engage with their community.

Another example of citizen initiatives from below that manage and continue to be institutionalised through their respective LCs is the example of LC Vražegrmci. LC Vražegrmci is located in the rural part of the municipality of Danilovgrad and numbers ten villages. The total population living on the territory of this LC is around 300 people.

In May 2023, a new council was elected to govern the LC. This new council, led by Milan Mijailović, presented several future development plans for this local community and has initiated several actions on the ground. An official LC Vražegrmci¹⁹ website has been set up, as well as a corresponding Facebook page.²⁰ Their activities in this part lead to better cooperation with LSG Danilovgrad, which intends to set up websites and online platforms for all LCs in this municipality.

Some of their main goals are concerned with solving immediate local infrastructure issues. Additionally, the touristic and economic development potential of this local community is another priority. Agricultural development is at the centre of this potential. The LC plans to set up online and physical shops for local products, as well as improve tourist capacities. Furthermore, in May, the government announced that the Ministry of Agriculture, Forestry, and Water Management is working on establishing a legal framework that will enable the formation of local action groups in Montenegro. This is supposed to create a prerequisite for implementing the LEADER approach through the EU’s IPARD programme for agriculture and rural development.²¹

In May, the government announced that the Ministry of Agriculture, Forestry, and Water Management is working on establishing a legal framework that will enable the formation of local action groups in Montenegro.

16 Radulović: MZ Župa Nikšićka does not have a single euro of bauxite, only abandoned mines. Source: <https://cegas.me/2023/08/23/radulovic-mz-zupa-niksicka-nema-ni-jedan-euro-od-boksita-vec-samo-napustene-rudokope/>

17 The voice of Župljani is now taken seriously. Source: <https://www.vijesti.me/vijesti/drustvo/637440/glas-zupljana-se-sada-ozbiljno-shvata>

18 <https://zupa.today/>

19 <https://mzvrazegrmci.me/>

20 <https://www.facebook.com/profile.php?id=100092455046806>

21 News from ten villages resonate on the web. Source: <https://www.vijesti.me/vijesti/drustvo/659681/vijesti-iz-deset-sela-odjekuju-na-vebu?fbclid=IwAR0D-FxcDpiUSs5P-Wzf9tlobnXIXwoydrDdB2PIJQH9X68zwTs6G7o4Dt8s>



In contrast to LC Župa and LC Vražegrmci, LC Zabjelo and LC Ljubović are located in the neighbourhood of Zabjelo, in the urban part of the capital, Podgorica. A recent controversy around spaces of LC Ljubović being used for personal gain has been negated by LSG Podgorica but has shown up in the media.²² An overbearing price of rent for the space of LC Ljubović was an issue raised by the citizens living in Zabjelo, which is almost certainly going to result in its relocation to a more accessible location.²³

This concern was made visible in engagement with some established local initiatives. Namely, the website “Glas Zabjela”²⁴ was one of the media outlets communicating this issue. This local media outlet was established on a voluntary basis in 2016. Thus far, they and other actors have engaged with the local community on different levels and in different areas on multiple occasions. This resulted in engagements with the cultural organisation Zabjelo Festival, a local football club, Zabjelo, local self-government in Podgorica, government and EU-funded initiatives, private businesses, and citizens. But still, as it seems, most of these activities and practices have not been institutionalised through the LCs or have been conducted in cooperation with LCs at this locality.

Some of the problems reflected at the local level are indicators of the state at the central level: concessions to natural resources that are inaccessible to the local population living in those localities, lack of infrastructure, and misuse of public resources. Zabjelo, an urban neighbourhood, in comparison to Župa, village in the rural part of Nikšić and Vražegrmci, a small rural local community in Danilovgrad, are examples of how people utilised in different ways different resources and shaped the way citizens engage with their LCs.

The legal framework in Montenegro allows for LCs in all municipalities for citizens to decide and participate in the decision-making processes such as urban and rural development, housing, consumer protection, culture, education, environmental protection, etc. Bylaws concerning LCs, which are decisions on the work of LCs,²⁵ are different for each municipality individually. Some of them date back to 2005, when Montenegro was a part of a state union with Serbia, while others were adopted by the 43rd government in 2021, essentially in such a way that the old ones were only rewritten.²⁶

Local democracy at the level of LCs became a direct concern of citizens, which resulted in initiatives from below, such as those described above. This motivates citizens and stimulates democracy in general.

22 City office space turned into a bar and apartment (PHOTO). Source: <https://www.vijesti.me/vijesti/drustvo/670023/gradski-poslovni-prostor-pretvorili-u-kafanu-i-stan-fotohttps://>

23 LC “Ljubović” roasteries cost citizens 1,594 euros per month, planned return to Vampirica. Source: <http://glaszabjela.me/prostorije-mz-ljubovic-kostaju-gradane-1594-eu-ra-mjesecno-planiran-povratak-u-vampiricu/>

24 Voice of Zabjelo. Source: <https://glaszabjela.me/>

25 CEGAS: Control all spaces given for use by local communities and make new decisions. Source: <https://www.aktuelno.me/crna-gora/cegas-uraditi-kontrolu-svih-prostora-datih-na-koriscenje-mjesnim-zajednicama-i-donijeti-nove-odluke/>

26 Local communities do (not) care about the needs of citizens. Source: <https://www.vijesti.me/vijesti/drustvo/597050/mjesne-zajednice-ne-brinu-za-potrebe-gradjana>



Local democracy at the level of LCs became a direct concern of citizens, which resulted in initiatives from below, such as those described above.

Commonalities and particular differences in these examples highlight the issues that our recommendations are tackling. LCs should have designated working spaces as well as public servants operating them. This will also foster additional citizen participation, as the need for functional LCs is expressed through these often independent and voluntary initiatives. Effective communication channels between LCs and citizens have to be set up in order to improve engagement between them.

Additionally, LCs should have secured funding from the local government. They should also engage with government and EU-funded projects, as they will enable direct implementation on the ground according to the population's needs and the creation of more meaningful and practical initiatives. This implies the more active participation of citizens in the decision-making process.

All LCs should also have citizen registers. Some good practices from the region²⁷ show usage of such registers in order to have an overview of minority and vulnerable groups, such as in the north region of the country, where poverty rates of children are on average 40% and unemployment rates are at 30% on average in eleven northern municipalities. In the case of Montenegro, this could also be helpful with the register of voters,²⁸ an issue important for the electoral reforms,²⁹ as well as the creation of better social and economic policies.

Conclusions

Examples of three different LCs in three different Montenegrin municipalities have used alternate, innovative, and active citizen participation initiatives, mechanisms to promote change, sustainable development, environmental, educational, and cultural practices, community building, etc. However, they also showcase how a lack of institutional channelling of such practices through LCs and local engagement presents a challenge for establishing such practices as norms rather than exceptions.

Yet, drawing from these examples can help draft better solutions from the individual local governments and the central government in relation to LCs, as the lowest-defined governing bodies. Examining the LCs in the context of democratic transformation in Montenegro is a case worth further exploring, given its potential as on-ground case studies of democracy, democratic institutions, and democratic governing in practice, but also for the development of social and economic policies and strategies that are more inclusive and sustainable.

27 The New Recommendations Are the Minimum for the Work of Local Communities. Source: <https://cegas.me/2023/06/16/nove-preporuke-su-minimum-za-rad-mjesnih-za-jednica/>

28 Unregulated voter list before the presidential elections in Montenegro. Source: <https://www.slobodnaevropa.org/a/izbori-predsjednik-crna-gora-spisak/32254432.html>

29 The elections in Montenegro were well conducted, legal reform is necessary, say international observers. Source: <https://www.slobodnaevropa.org/a/izbori-crna-gora-misi-ja-oeps-posmatraci/32455839.html>



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Montenegro, local communities, democracy, citizens, municipalities, European Union

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Media and minorities in Bosnia and Herzegovina: a path towards an inclusive and democratic society

Policy Recommendations

1. State and entity governmental institutions at all levels in Bosnia and Herzegovina should provide sufficient financial support for all minority groups in the country to create and maintain their own media and media outlets.
2. Mainstream and national media in Bosnia and Herzegovina should significantly increase the production of media content related to minorities, ethnic, national, religious, cultural, and other minority groups in the country, thereby becoming open spaces for cultural cooperation, exchange, and democratic participation and thus magnifying their potential as platforms and levers of the democratisation of society.
3. Legislative reforms and changes in the domain of media law in Bosnia and Herzegovina are urgently needed in order to ensure that media is inherently plural, representative, and inclusive, as well as that it is fulfilling the demands of democracy.

Abstract

This Policy Brief presents a broader overview of some of the most significant aspects regarding the role of media in building democracy in terms of the reinforcement and affirmation of minorities in Bosnia and Herzegovina, whether as a result of ethnic background, religious belief, sexual orientation, geographic location, income level, etc. Once the mentioned media's support and affirmation of minorities is accomplished, such groups can effusively participate in and

contribute to this country's institutions and society in general.

This is an attempt to revive and reconsider the issue related to minority cultural identities and communication *via* media in the context of the democratisation process in general. It is very much needed to open new discussions related to media and democracy due to the current global political crisis that is reflecting in Bosnia and Herzegovina's media sphere as well.



Media and minorities in Bosnia and Herzegovina: a path towards an inclusive and democratic society

Introduction

Democracy, in its unpretentious and simple conception, is a form of government in which it is recognised that ultimate authority belongs to the people and that the people have the right to participate in the decision-making processes and to appoint and dismiss those in governing authority. For Robert Dahl (1989), its main characteristic is the continuous responsiveness of the government to the preferences of its citizens, who are considered political equals. Democratisation is the process of transitioning from an undemocratic to a more democratic system. Therefore, both democracy and democratisation have not only political but also cultural, social, and economic meanings and results. This is especially related to the media, which are identified as the litmus paper of democracy by virtue of the way in which they treat and represent minorities and minority groups.

Democracy and democratisation have not only political but also cultural, social, and economic meanings and results.

According to Thomas A. Bauer (2007), in the context of a democratic media society, society is what its communication is like. Any society organising its status and its development is structurally dependent on its interaction and communication system, on its communication quality from the perspective of culture, and on its orders of social practice from a general perspective. In other words, media are social institutions and institutions of social practice, organised in such a way as to provide public communication of society with itself and with others *via* contents that are important for the entire community, as well as to provide political and cultural belonging for minority groups. On the other side, media representations of minorities and the way they are delivered in our society in the news, media, and social media can unfavourably affect the way various minorities perceive themselves and the way others recognise and identify them. In spite of these challenges, sustained and unjust disadvantages are known to empower joint action efforts within minority groups and solidarity efforts within advantaged groups to correct the image and position of underprivileged groups in society. This could be a path towards a more genuinely open and democratic society. But where is Bosnia and Herzegovina in that context?

In that regard, it is important to underline that media represent an important and irreplaceable factor in every contemporary society by constantly collecting, analysing, and disseminating information, values, attitudes, ideologies, tastes, and thoughts. The media do not represent the mere transmitters of information; they also select and shape that information, so it can be argued that social reality is, for the most part, a reality created and shaped by the media. In this way, the media mostly affects the perception of reality of almost every individual, but also the interpretation of reality as such.



The media do not represent the mere transmitters of information; they also select and shape that information, so it can be argued that social reality is, for the most part, a reality created and shaped by the media.

Some of the foremost features of the media and the minorities in Bosnia and Herzegovina

The existence and functioning of a completely equal and two-way fluctuation of information in society have not been achieved anywhere, but it can be said that societies that are considered truly democratic and whose foundations are based on the rule of law are approaching that goal. Many media theorists as well as sociologists believe that a particular society is closer to democracy insofar as the role of the media is more important and more purposeful because the media makes it possible to represent numerous and diverse social and cultural groups, their interests, and their values. These guidelines make every society an open society. On the contrary, one of the problems that has not yet been sufficiently demystified is the mechanism of closing society by the media, which particularly applies to countries such as Bosnia and Herzegovina. The old and rigid but at the same time different ideological matrices tinted in many cases with subtle animosities or the direct and brutal hate speech still are and remain very frequent and influential, and they are being repeatedly recreated in the media sphere. The collectivist-ethnocentric version of media production in Bosnia and Herzegovina required, still requires, and realises interventions regarding the form and way of shaping media content today. Related to this, the primary role of all these spheres is not to create unsustainable constructs or to dream of ideal societies, but to identify the social, political, and economic problems that a particular society faces, as well as to look for effective, applicable, and progressive solutions for them.

One of the problems that has not yet been sufficiently demystified is the mechanism of closing society by the media, which particularly applies to countries such as Bosnia and Herzegovina.

One of the best examples when it comes to media and their role in the community is certainly the question of the importance of media for minorities and their cultural identities specifically. It is a long-known thesis that the democracy of one society reflects in its relationship towards minority groups. What is a minority group? According to Wirth, it is a group of people who, because of their cultural or physical characteristics, are singled out from others in the society in which they live for differential and unequal treatment and who therefore regard themselves as objects of collective discrimination (Wirth, 2013: 347).

One of the best examples when it comes to media and their role in the community is certainly the question of the importance of media for minorities and their cultural identities specifically.

Correspondingly, one of the main elements of strengthening democracy in a multi-ethnic community is precisely strengthening the visibility of minorities in that community, not only national minorities but also minorities related to various subcultures and countercultures and different types of vulnerable groups existing in one



community. Unlike the societies of Western Europe and especially American society, in which the relationship towards minorities is primarily economically and only then politically and culturally determined, in the societies of the former Yugoslavia, including Bosnia and Herzegovina, the ethnically motivated divisions between the majority and the minorities, which are still being politically instrumentalised and recycled, remain current.

The media represent the largest portion of the wider information and communication system, within which the minority media operate as well. In this concrete case, the role of the state and the public state services whose policy towards minorities and their operationalisation within the media policy determines to a large extent whether minority media or media content related to the life and culture of minorities will be encouraged, relativised, ignored, or even prevented is of decisive importance.

The media represent the largest portion of the wider information and communication system, within which the minority media operate as well.

First of all, it is important to accentuate the difference between the presence of minorities in the media and the media of the minorities themselves. The first aspect regards the presence of minorities and their social (in)visibility in the so-called majority media, while the other aspect relates to the media of the minorities themselves, the media that are in service of communication within the minority community (Stojković, 2002). The demarcation zone between these two divisions of the media has never been strictly defined, so in a certain number of cases, we can speak of minority redactions within the majority media. According to the respectable communication expert Branimir Stojković, these redactions are very important, even if they were only ideal-typical (2002:170). In this way, the acceptance, understanding, and emphasis of the very important role of media in building and strengthening the pluralism of cultural identities of the community, meaning democracy, directing their cultural, social, and political activism, and defining their relationship towards the majority and other minority groups are built. On a basic level, they help citizens, especially young people, become familiar with the existence of different cultural identities, which largely confirms the educational character of the media. This aspect is extremely important and imperative for Bosnian and Herzegovinian society.

First of all, it is important to accentuate the difference between the presence of minorities in the media and the media of the minorities themselves.

When it comes to types of media in the context of strengthening the cultural identity of national minorities in Bosnia and Herzegovina¹, for example, the press represents a type of media that is exclusively a medium of activist action by individuals from minority groups and not minorities themselves. Due to financial and other issues, we have witnessed numerous failed attempts at starting newspapers and magazines. However, radio, especially local radio, can still represent one of the more

1 Bosnia and Herzegovina recognises three constituent peoples and 17 national minorities: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, and Ukrainians. The biggest community is the Roma people in Bosnia and Herzegovina.



important media for minorities. Its launch is relatively financially available, but it is also possible to rent the time slot of an already existing radio station. Television is the medium that makes minorities visible in the most efficient way, but it is also the most expensive medium. Additionally, as stated earlier, television is the most controlled by political structures. But the medium that is used the most in this particular context is the Internet. The Internet enables minorities, regardless of their territorial and other affiliations, to represent themselves in the most adequate way and to communicate with each other in a virtual space that does not belong to any state (Stojković, 2002). In this way, the divisions between the minority and the majority can disappear by establishing a horizontal network of cultural identities in the virtual space, which belongs to everyone and also no one.

But the medium that is used the most in this particular context is the Internet.

In this context, the media could play a more significant role in the development and meeting of all cultures on the territory of Bosnia and Herzegovina and beyond than they did before. Firstly, the media are omnipresent, and they should, to a greater extent than so far, find a real developmental dialectic with regards to encouraging and strengthening the convergence of different cultural identities and the mutual adoption of different values. Together, the media should find authentic references for understanding the Bosnian and Herzegovinian cultural space and express it as such.

In this context, the media could play a more significant role in the development and meeting of all cultures on the territory of Bosnia and Herzegovina and beyond than they did before.

The programmes of intercultural cooperation that are primarily related to specific branches of culture are not enough; they are mostly supported and initiated by the European Council, for example. Open cooperation of people and in the media, the movement of people in different environments, and the gathering of creators from different cultural centres, i.e., a real contribution to the demetropolitanisation of culture, overcoming national cultural autarchism, and the creation of quality media content in the field of culture in the whole of Bosnia and Herzegovina, are necessary. When it comes to minorities, there are no complex, compound, educational, or meaningful programmes in the field of cultural cooperation. Many cultural associations suffer from "national concern", so they "do not have time" to create and implement programmes of cooperation with the cultural associations of others. If such programmes exist, they are little or not at all visible in the media. Acceptance of ethnic and cultural groups that seem bizarre, if not outlandish, and unimportant to the majority can represent one of the greatest challenges that any democratic society can face. But democracies recognise that diversity can be an enormous advantage and strength, which is precisely a foremost European value.

Conclusion

Why this Policy Brief? Simply because democracy, the media aspect included, in Bosnia and Herzegovina is seriously threatened today. Some media, whether they want it or not, still produce national divisions, awaken the old ones, unkindly remind of them, and contribute to the creation of new ones, and that is because they are for many reasons powerless, having the position of being ruled, to be in service of overcoming



those divisions. From there, we find a lot of misinformation in the system of informing, a lot of misinformation, and a lot of the misinformed. The problem is maybe not even in journalism itself as a profession, but it is rather a much more complicated and intensifying problem now, particularly in the context of the legal amendments that were adopted by the RS entity parliament in the summer of this year. According to the law, making malicious or untrue statements about a person will be called defamation, with various prescribed penalties. Larger penalties are set in situations where defamation is presented in the media, including social networks or at a public meeting. The new legislation reintroduced the criminalisation of defamation, despite the solemn objections of journalists, other media professionals, and members of the international community, who cautioned that these law changes are a serious attack on freedom of expression and human rights and a step towards censorship in this part of Bosnia and Herzegovina.

Democracy, the media aspect included, in Bosnia and Herzegovina is seriously threatened today.

Bosnia and Herzegovina, as it is today, does not have a need for synthetic, connecting information that would influence mutual acquaintance, understanding, and common participation in all its innumerable cultural identities. The new social strata prefer non-author sensationalist journalism, the kind that deals with “scandals” and not the actual life process, the production of life, real-life events, problems, aspirations, and needs of every member of society. That is why it is ‘normal’, especially among certain parts of the country, that there is no sufficient complete and serious informing activity and such media content because there is no objective political reasoning either. Cultures, no matter how contrary that may be from the other side of their habitus, are in that way being suffocated in the closed ethnic spaces; they do not even become open national cultures but enclosed ethno parks. Contrary to this, at the level of the Bosnian and Herzegovinian space, it is necessary to ensure and, through the media, secure the multidimensionality of the meeting of cultures and cultural identities. First, there should be an all-around exchange of cultural legacy and science and art, of that which is most valuable and affirming, in such a way that it expresses the valuing of values of all cultures and cultural identities. Additionally, state and entity governmental institutions at all levels in Bosnia and Herzegovina should provide sufficient financial support for all minority groups in the country to create and maintain their own media and media outlets. It is also vital for mainstream and national media in Bosnia and Herzegovina to significantly increase the production of media content related to minorities, ethnic, national, religious, cultural, and other minority groups in the country, thereby creating open spaces for cultural cooperation, exchange, and democratic participation and thus magnifying their potential as platforms and levers of the democratisation of society. The old but never-overcome issue of legislative reforms and changes in the domain of media law in Bosnia and Herzegovina are still needed in order to ensure that media is inherently plural, representative, and inclusive, as well as that it is fulfilling the demands of democracy and authentic democratic principles.

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The media in Bosnia and Herzegovina in general, whether new media, advertising, television, print news, or any other medium, can be said to reflect our society. Throughout the various crises of democracy in Bosnia and Herzegovina's society, diversity, equity, and inclusion have become increasingly needed, especially *via* the media, in order to increase more serious awareness of issues such as inequities, including minorities' discrimination, equal rights for minority groups, protecting equal legislation, etc.

This, along with a long history of societal ideals and challenges of democracy, would hopefully result in a diverse media representation of minorities. In fact, the media has underrepresented minority communities for a very long time. It includes gender, class, race and ethnicity, religion, and other minority groups.

On the other side, an anthropological and sociological constant is that there is not and cannot be a hierarchy between cultures. The richness of different cultural identities represents an immanent value of the entire society's democratisation, but in order to strengthen, ennoble, and enrich this value, it is crucial for the media to understand the essence of the process of culture, its inner need for accepting the Other and the Different as a substance of European integration, if they do not want to be among those who close this exhausted and shattered society but gain the determination and drive to open themselves to adopting and respecting the values of others and the values of spot-on democracy.

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