

II International Workshop

SHAPING THE FUTURE IN BOSNIA AND HERZEGOVINA. CIVIL SOCIETY AFTER THE OCTOBER 2012 LOCAL ELECTIONS

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BACKGROUND OF THE WORKSHOP

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2012 marks the 20th anniversary of the start of the war in Bosnia and Herzegovina. Since the end of the war in 1995, the peace and stabilization process has made visible progress. The opening of a perspective for EU membership in the early 2000s has contributed to limited reforms. The introduction of a visa-free travel regime to the Schengen area in 2010 has helped to facilitate people-to-people contacts, including of civil society actors.

Despite these positive developments, many citizens and observers consider the state and the society to remain in a situation of protracted crisis. The effects of the European debt and growth crisis have further contributed to a widely held pessimism. The failure of elites to generate reforms, growth and credible efforts on the way to EU membership further darkens the picture.

In October 2012 municipal elections were held. The local level is the key area for the work of the civil society sector given that the influence at state or entity level seems to be rather marginal and often dominated by donor-driven policy discourses. At the same time the municipal level offers space for experimentation, emancipation of minorities and resistance as shown by recent events. It is also at the local level where EU integration can take place, may it be through youth and other exchange programs, twinning, pilot projects in the social field or for the protection of the environment. These initiatives can help to familiarize society with EU standards and their implementation.

Following-on to the workshop held in December 2009, the workshop in Freising served as a stock-taking exercise where participants could reconnect to their discussion three years ago, and debate their state of integration into European NGO/CSO networks. The purpose was to continue dialogue by bringing together - inter alia - members and representatives of civil society organizations, think tanks, journalists, political parties and international experts. The workshop was held under Chatham House Rules in order to facilitate an open and candid exchange of views and ideas.

The organizers identified issues for discussion in close cooperation with participants who were invited, ahead of the event to contribute to the program. The program itself was based on interactive panels, which involved all participants at least once as presenter. This approach facilitated an open, at times controversial, exchange of views.

While a set of recommendations was identified, the workshop illustrated a high level of commitment by civil society organizations to participate actively in the European integration process of Bosnia and Herzegovina. Yet, the discussions also exposed a painful absence of cohesion within the country and a substantial degree of frustration about current developments.



ISSUES DISCUSSED DURING THE WORKSHOP

1. "POLITICAL SITUATION IN BIH"

Crisis was the key word describing the internal development political in Bosnia Herzegovina (BiH). The general elections in 2010 have led to a 14 months stalemate until the formation of a state-level government, which only few months later fell apart. One speaker even stated that today BiH seems to be facing one of the biggest crisis since the end of the war. According to this opinion, it looks as if there won't be a single actor to take care of BiH as a whole, but different interest groups - some of which even openly aiming at the destruction of BiH. It was argued that the necessary reformprocess does not come from inside the country and thus has to be triggered by international pressure. It was critically mentioned that there is no open discussion on the further development of the country to overcome the negative aspects of the Dayton Accord so far, i.e. that every ethnic group is only interested in its own territory.

The so-called asymmetrical solution for the election of the members of the Presidency was seen critically. Some said that this would be a highly risky solution because the BiH Presidency is one of the few state institutions that are still functioning. The introduction of an asymmetrical solution would further complicate the situation. Reform of the Federation should also be part of constitutional reform, because it is hardly functioning and the Federal government appears in some ways as the 11th canton. Participants referred to some constitutional issues that need to be solved following decisions of the Federal Constitutional Court.

Local Elections of October 2012

It was commonly agreed that the local elections of October 2012 were important for ordinary people and for the political scene. The Party of Democratic Action (SDA) clearly became the winner, while interestingly the Croat national parties lost the majority they enjoyed in central

Bosnia since the end of the war. Some worrying trends were observed by analysts:

- a) return to power of several indicted and sentenced war criminals – most of them on the Serb Democratic Party (SDS) ticket;
- b) increased number of reports of electoral fraud across the country, but especially in Republika Srpska (RS) and
- c) the Central Election Commission having problems to deal with these reports. As a consequence, election results were not confirmed over a month after the elections. Also after the local elections power struggles on different levels continue.

One participant conveyed that the elections in Srebrenica demonstrated successful a engagement by Civil Society (CSO) / political activists who managed to unite all predominantly Bosniak parties in Srebrenica. Thanks to this unified approach they seem to have won the mayor's position. However, the governing Party of Independent Social-Democrats (SNSD) disputes the election result. It was stressed that Srebrenica is a sensitive area especially for Bosniaks. SNSD and Milorad Dodik have announced that SNSD and the other Serb parties will block the establishment of the city council in Srebrenica, if the Bosniak mayor will remain in position. Moreover, the next possible level to block administration in Srebrenica is that in Republika Srpska the entity government is essentially in charge of ratifying and approving all municipal budgets. So even if the municipal council were established, the RS government would have another possibility to influence the work of the administration in Srebrenica - which in turn may lead to serious tensions.

The second hotspot discussed was **Mostar**, which was the only place where elections did not take place because the BiH Constitutional Court found the city statute,



imposed by the High Representative, unconstitutional. The local parties were supposed to find an agreement on a new statute that would allow local elections to take place. The Mostar city council decreed for itself to remain in office with a technical mandate until

elections will be held. Yet, the international community does not accept this decree because it runs against basic democratic principles. Additionally Mostar will be left without a budget and administration, which certainly bring new tensions, also among the general public.







Agreement between Social Democratic Party (SDP) and Party of Independent Social-Democrats (SNSD)

A further topic discussed during the workshop was the **agreement announced on 31 October 2012 between the Social Democratic Party (SDP) and SNSD**. Some of the issues of the agreement were seen as potentially problematic either regarding the IMF stand-by arrangement or existing trade agreements. Some participants articulated that the biggest problem was that it was agreed between two party leaders with little or no participation of the relevant institutions, let alone civil society. It was stated that such machinations further weakened the already weak institutions in BiH. This was seen as another indication that the approach to decision-making through the political elite introduced over the last years is not working any longer. Yet, other participants highlighted that the agreement showed that domestic politicians voluntarily have started to dialogue and to cooperate among themselves, and not as a result of pressure by the international community.







Role of Youth

It was critically mentioned that youth in BiH is perceived as a social problem rather than a resource for the future. The situation of young people was regarded as difficult; young people are divided, they do not meet each other, and divisions are increasing. It was underlined that youth employment as a motor of society needs to be better considered. A **new law on young**

people in the Federation stipulates to take care of youth at the municipal, city, cantonal, federal and state level. So far 25 youth councils have been established aiming at representing youth in policy (not only youth policy) and enabling public debates. The Federation is obliged to establish youth commissions at municipal levels. Youth councils were regarded during the discussion as a great step towards self-



governance on the local level. "Youth has a voice now". Youth councils should be set up on the federal level until the end of 2013. Political parties are not delegating the people in the youth council – this is the job of the NGOs, it was said, and it was further stated by a politician that there is no way that a political party in a municipality directly nominates young people as it was the case with the RS youth council.

The **isolation of people** in BiH was highlighted with an example of two students for whom the longest travel they ever did was the way from Mostar to Bihac and the way from Mostar to Zenica. A number of existential problems were described: e.g. about 5,000 persons in BiH have no ID-cards or birth certificates, which excludes them from almost all services and opportunities. People have not received a degree since they could not pass exams during the war.

One participant reported about **bringing** young people together, e.g. in Fojnica or Gornji Vakuf. The approach of the Youth Initiative for Human Rights was not to talk about genocide and dealing with the past, but rather focus on prejudices while sitting together "in a safe place". This work was described as "baby steps" while it was highlighted that the new law on youth in the Federation might have a positive impact on such initiatives. The question was raised how the contact between Banja Luka and Sarajevo could be intensified. One participant told about the summer school of the Youth **Initiative** that lasted for three weeks with 20 participants. The initiative has received 70 applications and people from all over the country came to Sarajevo - despite the fact that some of them living in the RS had been afraid to come to the capital city. The summer school inter alia discussed antidiscrimination and segregation and the outcome was encouraging.







Education system

It was very critically mentioned that the education system lacks harmonization with the labor market. Employers cannot find professionally trained staff. The question was raised how to reduce unemployment and to find a strategy for employment connected to education policy. The Federal Minister of Education and Science has no exclusive competences for education but can only serve as a coordinator of those cantonal education authorities which want to be coordinated. This creates further difficulties. Five cantons are coordinating their work so far. One participant stated that the worst thing for citizens in the Federation of BiH is not the Dayton Agreement as such but the Washington Agreement as it devolved competences for most issues to the cantonal level.

Census

A pilot census has been carried out involving approximately 6,000 homesteads. Interestingly, according to the information leaked 30 % of the people who participated in the pilot census have declared themselves as Bosnians, Herzegovinians or Bosnian-Herzegovinians and not as any of the three constituent peoples. Assumed that the data leaked are correct then 30-35 % of respondents and especially young people declared themselves as citizens of the state or a region rather than an ethnic derived identity. This has created a lot of attention especially among Bosniak nationally oriented politicians as well as among the

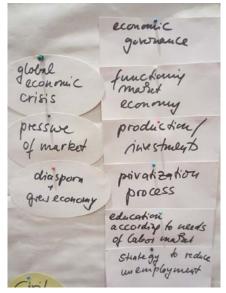


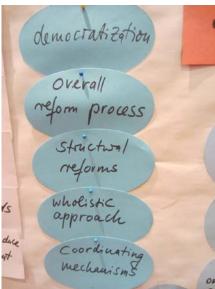
Islamic community, which has issued a legal declaration in how Muslim believers should be filling in the registration form. The 2013 census could become a stepping stone for BiH. There were two lines of development identified: one coming from civic oriented activists and NGOs suggesting people who do not feel being part of one of the three constituent ethnic groups to declare themselves as others; the second line of thought coming from Bosniak nationally oriented politicians and religious leaders insisting that Bosniaks should clearly declare themselves Bosniak.

Socio-Economic situation

Due to the political situation **economic and social development** suffers. Economists predict that governments in BiH may be facing insolvency, as revenues no longer cover expenditure. Serious reforms are not initiated, mainly because they are difficult and not popular. At present there seems to be no one willing or ready to undertake real reforms. Remittances from abroad (approx. 20 % of GDP) plus the grey economy estimated at 40 % of the GDP helped so far, yet 60 % of GDP are not reflected in the official statistics. Furthermore, BiH has inherited a social, health and pension

system from Socialist Yugoslavia, which was based on the assumption that everybody works and pays for the funds. Participants were very clear that with an official unemployment rate of 45 % the system is unsustainable. However, doubts were raised that unemployment could be solved through education / higher education. The only way according to this view is through production. But BiH almost has no export production; there is no investment, because the society and system suffer from corruption. Employment and politics stuck in are clientelistic structures - with the result that professionals are sitting anywhere. not







Role and Performance of Media

There is a considerable number of media outlets in BiH: About 1,700 journalists work in 12 daily and 97 weekly newspapers, in 147 radio- and 64 TV-stations. It was generally agreed that the media sector proved to be increasingly unprofessional. There is a notable lack of intelligent research, analysis and trained personnel. Even more, according to some views there is not a single local media organization which does its work professionally and does not sway to one or another party or interest group. Most participants didn't see the media of BiH in the camp of the civil society. According to them, media in BiH



are closely linked to the political parties and the government. There is a lack of non-profit media. "Social media" can play a positive role, but also often are misused by political parties.

2. ROLE OF CIVIL SOCIETY IN SHAPING THE FUTURE OF BIH

Participants argued that the behavior of politicians mirrors the overall failure in domestic development which is reflected in the work of NGOs as well. It was complained that NGOs lost their "ownership", that the international presence has somehow spoiled the very idea of CSO - i.e.to take the future in own hands. It was emphasized that CSO is about power and politics and politics from below. Political parties including CSO - another participant claimed have managed to de-politicize the public sphere completely. The system is discouraging for any bottom-up approach, because BiH is divided between privileged and non-privileged. For many people the state is a mean and not a goal. People are more and more apathetic and build micro worlds for themselves. It was underlined that CSO should concentrate on small villages and on rural areas.



Is there an emerging Bosnian-sphere?

Interestingly, if one looks at the ex-Yugoslav space one can observe since some years a process of defragmentation, of growing links and interdependencies in the different republics and countries. It was assumed that the driving forces for this are economy and culture. The discussant referred to Tim Judah who called this new and essentially old space the Yugo-sphere. The

question was raised whether there is far from politics a similar process ongoing in BiH? How are economic and cultural actors between the entities interlinked in BiH? How are CSO structured, are they interacting between the entities? Is there an emerging Bosnian-sphere?

Role and Nature of NGOs

When the role and nature of NGOs was further discussed and clarified - different understandings of "civil society" came up. It was argued that the NGO scene in BiH should not be regarded as one homogenous group, as it is comprised of a large variety of different organizations pursuing different approaches and strategies. It was stated that these differences are an opportunity rather than an obstacle, because by acknowledging them and by building strategic links amongst each other, CSOs could be more effective. It was even stressed that NGOs are interest groups and thus have to be political.

However, it was also critically mentioned that NGOs in BiH do not have to prosper further, but to the contrary that 70-80% could even disappear. There are about 12.000 NGOs in BiH of all kinds, but only 10-15% of them are really active. NGOs, one participant pointed out, are working along the principle of the chaos theory: there is a totally free, dynamic and chaotic market that used to receive a lot of funding and artificially produced a high number of actors. To establish workable structures seem to be very difficult: there exist minimum six different NGO-networks, but there is no functioning co-ordination throughout the country and only few co-operation.

The discussion also turned to the question of the role of CSOs within – or beside? - the political strata of the country. It was commonly agreed that NGOs at least to some extent already represent the country's elite.



If CSO is understood *as per se* political then consequently NGOs push their interests by political means. All panelists, however, considered the political influence of civil society in BiH as limited. Yet, it was critically mentioned, that this could be considered problematic when NGOs act like an opposition party – by openly opposing governmental policy and aiming at removing the governing elite rather than representing citizens' interests.

During the discussion some positive results of the engagement of NGOs in different working-fields were presented from which "Internal Peace in BiH", "Fighting against corruption" and "Protecting of whistle-blowers" were regarded as especially important. On the other side, all proposals from NGOs have been rejected during the discussion on the new constitution and only three proposals for new laws have managed so far to be discussed in the parliament. CSO are only formally accepted as important partners by the government and by state-institutions, there inputs are disregarded. Even the input to a draft NGO-strategy has been rejected by the government. One panelist described this phenomenon as "a constitutional discrimination". The NGO councils

institutionalized regulating bodies still lack efficiency. More effective networks and coordination are needed to meet the goal of establishing coordinative boards to advise the government.

Others considered civil society in BiH as "self-absorbed" and expressed concerns that CSOs would have still the same discussions in five years time. Another participant stressed that civil society in BiH should design a strategy that leads to more transparency, clarity and accountability. Eventually, a misunderstanding was identified about the meaning of civil society and the role of the international community. Civil society is too much focused on what others should do while one should ask: "What are we willing to do ourselves?"

Overall and despite all (self-)criticism, the vital democratic function of the civic sphere was acknowledged: by giving citizens a voice, driving reform processes and holding politicians accountable they do not only pave the way for EU-membership but also for a prosperous and stable democracy. The strength of civil society in BiH was highlighted: "These are stubborn people, who love their country."







3. PERSPECTIVE EU MEMBERSHIP OF CROATIA AND ITS IMPLICATIONS FOR BOSNIA AND HERZEGOVINA

The multiple implications of the EU membership of Croatia for BiH, envisaged for 1 July 2013, constituted another main topic of the workshop. Croatia's position as EU member means, according to one participant from BiH, that many of the present bi-lateral issues between

BiH and Croatia will be subjected to EU interests and the interests of the 28 EU member states. So far, Croatia has been supportive and friendly as concerns BiH issues in relation to the EU. The fact that the voluminous *acquis*



communautaire is already available in Croatian language was seen as an asset for BiH.

Several bi-lateral issues between BiH and Croatia need to be solved before Croatia's accession. One of them is an agreement on the use of the port of Ploce. While on Croatian territory, BiH enjoys special rights to its use for its exports. This will have to be made compatible with EU rules. The BiH-Croatia border will be the longest land border an EU member state shares with a non-member. Yet, currently there are only two EU-standard border inspection points foreseen for a border of almost 1,000 km length. BiH has until now not been successful in negotiating the opening of additional border inspection points.

Partly due to the lack of corridors for international trade, one speaker argued, Croatia's accession to the EU will cause a substantial setback for producers from BiH, who presently export around 16 % of their total exports to Croatia. Some producers will be directly affected by new EU standards and import restrictions on certain agricultural and

livestock goods. Thus, according to participant, as much as 15,000 milk producers having delivered their produce to dairies across the border are in danger of losing their customers and possibly their jobs. The situation is aggravated by the fact that Croatia with its entry into EU is automatically leaving CEFTA, with all trade preferences of BiH in relation to Croatia becoming void. Adopting EU rules, laws and bylaws, establishing the necessary infrastructure like phytosanitary laboratories, was regarded as a challenge for BiH, in order to tackle with the impacts of Croatian EU integration. Adoption to EU standards was seen as even more difficult under the circumstances of constitutional impasse with insufficient administrative structures and lacking mechanisms coordination. In sum, it was critically stated, BiH has done little to adapt to the new situation, the "motivational energy of Croatia's accession" remains limited. One discussant replied that the Republika Srpska has so far done much more about European integration in comparison to the Federation.







4. EU INTEGRATION PROCESS OF BIH

BiH's progress in EU integration was seen as limited. CSO activists considered it a depressing fact that BiH, together with Kosovo, remains the only country without EU candidate status in the region, without having completed the SAA process. There was general consent, though, that with respect to EU accession, the country still has a long way to go. The well-known internal

problems are one reason for the situation. But also the EU's role, impact and performance were discussed controversially among participants. "About 49% of responsibility" according to one BiH participant "rests with the EU, having lost much (or all) of its dynamics for integration and positive impact on the country's development".



In particular, it was complained that the EU has no real strategy for the region.



Apart from that, the new **EU Special Representative "has little to do"**, and "does not reach the people". EU issues have not been translated by the EU office, according to the same participant, and therefore people do not understand what EU accession means.

BiH media have also failed to support a public discourse on EU integration. Citizens for their own information therefore rather use foreign media sources (for example Croatian TV).

One participant pointed out that a lot of **young people do not even know about the EU** agenda. 60% have never been outside the country; many are living in isolated areas. Others agreed that a lot of people are not interested in the EU agenda but rather "care about how to sell their blackberry juice".

Not surprisingly, the question of EUintegration of BiH does not play a prominent role in civil society discourse. When discussing the possibility to influence the EU agenda in BiH, some participants were convinced that it is possible while others expressed doubts about it. One participant summarised that there was not enough coordination between the NGOs and mentioned three projects about rural development which are not coordinated.

There is a deep EU-skepticism in the society coming from the widespread perception: "EU has only demands on us, they do not really want us, but they prefer Turkey". Therefore the question of EU-integration also for NGOs is not an important issue. EU's influence on the country to this assessment is obviously limited and a "change from inside" is required to promote sustainable progress. Instead of focusing only on the EU and its performance, society actors should act more independently and pursue their own agenda. EU membership can only be the means but not the single goal. What is happening in BiH now, one participant said, is important for BiH itself and not due to EU accession. Yet, BiH does not have any alternative to the EU integration perspective. One panellist was convinced that civil society cannot influence the EU agenda from below.

Meanwhile, also **BiH politicians** do not treat accession with high priority and are often paying not much more than lip service to this goal. Furthermore, the concern was raised that too much international attention, especially under the assumption BiH has to be treated as a special case, harms and postpones the internal reform course of the country. Less attention from and reliance on the international community might even encourage the relevant actors to seriously focus on domestic problems. The strong commitment of Germany, especially of German political foundations, in assisting BiH was assessed positively.

5. EU FUNDS AND CIVIL SOCIETY IN BIH

The discussion also tackled the distribution of **EU funding to** organisations such as the **OSCE** and **UNDP** with the effect that NGOs are risking to compete with these organisations and even to

be excluded from funding opportunities. It was asked why NGOs do not lobby authorities for not having to compete anymore with international organisations such as the OSCE or



UNDP. It was very critically mentioned that while the EU recognizes the importance of the civil society in BiH most of the money would go to organisations like the OSCE and UNDP and from there the money would be distributed to the communities, which are politically ruled. There would be no transparency. The dissatisfaction with that situation was pointed out by stating. "There is an invisible wall we are running against".

Some participants assessed that EU funding practices are often non-transparent and ineffective, the application as well as the handling of EU funds are complex and require to have at least ten employees or to find at least 20% of co-funding for EU projects. In particular small NGOs are confronted with these difficulties and thus need to find additional funding. It was stated that authorities "do not listen to us" and also questioned why a lot of EU money has been spent for capacity building so far. An activist from BiH said that his organisation is not taking any money from the EU since the latter is aiming at changing the mind-set and his NGO furthermore would not like to depend on EU funds.

One participant explained that **IPA** funds are spent for capacity building because BiH doesn't have a candidate status yet. He said that civil society has to get used to the fact that the way EU money is spent for NGOs will be always unsatisfactory. It was stressed that civil society in BiH is continuously asked to be more proactive. "But we are proactive", a participant said. He mentioned the case of the drafting of a law for whistleblower protection when he was convincing a representative from the IPA fund to cooperate with their organisation. Another participant added that some decisions by EU funds would be to her view not understandable. She mentioned an application for a cross border programme of IPA funds for building a regional civil protection facility to fight wildfires. The participant told that this useful project was not approved but a questionable project about bird watching instead.

Finally, one voice stated, money is not the most important issue. Less money can also lead to more competition and creativity; small steps of activities are also possible with few financial means.

6. <u>RECOMMENDATIONS</u>

CSO IN BIH

- Participants unanimously insisted on a strengthening of the role and political influence of the civil society in BiH. There is a **need to improve the daily work of the civil society.**
- NGOs in BiH shall seek to gain more **credibility**. They should "care from inside". Civil society in BiH should design a strategy that leads to more transparency, clarity and accountability.
- NGOs should be **independent** from political parties and the government. However the links to the parliament should be improved. NGOs however should not act as advisors to political parties but only serve as "research wing".
- **Co-ordination and co-operation** are key to overcome the fragmentation of the NGO scene in BiH. Strong efforts and political will on all sides will be necessary to create a real functioning co-ordination and co-operation to make the civil society more effective and influential.
- Civil society actors should **act more independently** and pursue their own agenda. EU membership can only be the means but not the single goal.
- CSOs should concentrate their activities on **small villages and on rural areas**.



CSO AND EU INTEGRATION

- The experiences of Croatia in adaptation to EU rules should be used ("learning from Croatia"). BiH, rather than to lament about the problems coming from Croatia's EU integration, should try to profit from Croatia's new position.
- The administration on the different levels must adapt. One way to do this is to charge it with work **preparing for EU integration**. Special attention should be given to professional skills needed in the process of adopting the EU *acquis communautaire*. As an example, universities in BiH, contrary to the demand, train too many political scientists instead of veterinarians.
- From a bottom-up perspective, **civil society can do much to popularize EU issues** among the general public: "We should take a chapter of EU accession, digest it, and present it to the people" suggested one activist.

INTERNATIONAL COMMUNITY / EUROPEAN UNION

- The **EU** should only **measure the output** and give technical support in institution building. Conditionality has to be **limited to functionality** (i.e. for example BiH needs a functioning law enforcement system how this is organized is up to BiH; it needs oversight over public tenders to allow for fair competition, but how such an institution is built up should be left up to the country). A clear condition for joining the EU should be that the territorial integrity of BiH has to be preserved.
- The **EUSR** and his office should enhance its efforts to familiarize people with the EU agenda. Here, first positive attempts have started with the training of journalists.
- The means from outside to influence the country are limited, especially as far as the constitutional framework is concerned. It is nevertheless absolutely necessary to keep EU membership on the horizon as a goal.
- The **constitutional reform** process has to be returned back to the beginning. It should this time be done properly with the full engagement of civil society, local experts and local public through town hall meetings. A lot of thinking "out of the box" is required with a maximum of local engagement and maybe including a reform of the federation within the constitutional reform endeavor.
- Only the **citizens** of a country are in the position to push the politicians to fulfill necessary criteria; the **internationals should become by-standers**, supporters and not the main actors. If **one day BiH** has full legitimacy among its citizens as a state it **has to reinvent itself**. This process will take place inside the country and will start bottom-up pushed by the new elite.
- Less attention from and reliance on the international community might encourage the relevant actors to seriously focus on domestic problems.

SOG

- organize in cooperation with other German NGOs (e.g. Friedrich Ebert Foundation, Konrad Adenauer Foundation, Heinrich Böll Foundation et.al.) and partners from BiH an event in Berlin at the German Bundestag to inform about the situation in BiH, to provide insight and expert knowledge and to promote the case of BiH in the German public.
- The next follow-up meetings on BiH within the SOG's "Shaping the Future in...." project should **broaden the range of participants** to business, academics, media as well as to small NGOs and MPs. Besides gaining new input and topics this would generate disagreement among participants the basis for a fruitful debate as this conference demonstrated.
- It was also suggested to organize meetings in BiH (on the initiative of local NGOs) since especially for representatives from grass-root organizations the English language poses an obstacle.