

## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN BOSNIA AND HERZEGOVINA IN EU POLICY MAKING IN THE CONTEXT OF THE ACCESSION PROCESS

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INITIATIVE FOR MONITORING  
THE EU INTEGRATION OF  
BOSNIA AND HERZEGOVINA

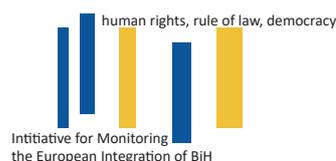
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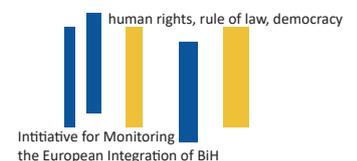
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## LIST OF ABBREVIATIONS

BiH	Bosnia and Herzegovina
CS	Civil society
CSF	Civil Society Facility
CSO	Civil society organisation
DG	Directorate General
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
EUD	European Union Delegation
FBiH	Federation of Bosnia and Herzegovina
IcSP	Instrument contributing to Stability and Peace
IPA	Instrument for Pre-Accession Assistance
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, queer
RS	Republika Srpska
Sida	Swedish International Development Cooperation Agency
WB	Western Balkans

## INTRODUCTION

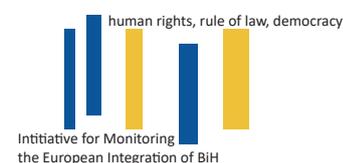
*About a set of policy papers on funding CSOs and its impact:*

*The aim of the set of papers (two policy papers) is to explore the role of civil society organizations in policymaking in the context of EU accession – whether and how civil society organizations prioritize the EU accession process, especially what the EU itself finances here when the EU integration process is at stake. The first paper (Financing Civil Society Organizations in Bosnia and Herzegovina according to European Union Standards in Accession Process) addresses the funding practices to date, while in the second (The Role of Civil Society Organizations in Bosnia and Herzegovina in EU Policy Making in the Context of the Accession Process), the effects of the funded projects are linked to the accession process, especially in the accession priorities.*

The European Union (EU) supports the work of civil society organizations (CSOs) in Bosnia and Herzegovina (BiH) through programs designed to contribute to the accession process and the roles of CSOs as the EU sees it. However, in the case of BiH, is the way in which CSOs are funded (procedure, topics, projects, evaluation) adequate to what this country needs? Does that, and how, affect the role of CSOs in EU policy-making in the context of the accession process?

What is common to Western Balkans (WB) countries is that international donors are withdrawing, making the EU the largest donor to CSOs. That actually sometimes determines dynamics between CSOs and the EU – there is a tendency for CSOs to adapt their own activities to the current priorities set by the EU, leading to “shifts in focus or to an overly broad scope of action that reduces the depth of expertise of CSOs. This has led to a streamlining of organizations and a strategic orientation that mirrors the EU’s agenda more than it reflects domestic needs.”<sup>1</sup> In general, the issue of financing and sustainability of CSOs can affect the quality not only of their contribution to the pre-accession process, but also of blurring and weakening their expertise. Therefore, instruments for involving CSOs by the EU should take into consideration the context in which CSOs operate as well as limitations in terms of *covering* certain priority areas.

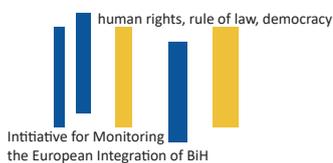
EU enlargement and civil society (CS) promotion is not always a smooth one and the EU has had a limited transformative role in terms of limited evidence to show that the EU’s civil society promotion strategy has helped remedy the weaknesses of civil society; already mentioned funding dependencies; insufficient enhancing of CSOs participation in policy-making. Also, CSOs are perceived (and treated) as parallel



<sup>1</sup> Wunsch, N. *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process*. Available at: <https://dgap.org/en/research/publications/right-goals-wrong-tools> (accessed on: 20.12.2019).

stakeholder in pre-accession process, maintaining an established discourse of (government-EU) exclusivity in prioritization (opposite of what participative democracy should be).

At the end, the discrepancy between goals (for CSOs) and efficiency, appropriate of provided mechanisms, as well as a lack of constructive applications of the results of evaluations (funding programs) and adaptation to the context in which CSOs are empowered and their impact can produce a counter-effect in an already fragile state in which they struggle to keep focus and dedication to the EU path.



## 1. INSTRUMENTS FOR INVOLVING CSOs AND THEIR REACH

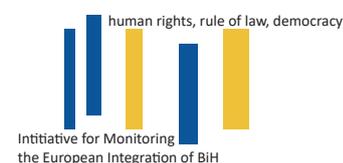
The European Commission (EC) adopted on 29 May 2019 its *Opinion on Bosnia and Herzegovina's EU membership application*,<sup>2</sup> accompanied with *Analytical report*.<sup>3</sup> The Opinion identifies 14 key priorities for the country to fulfil in order to be recommended for opening of EU accession negotiations with key priorities cover the areas of democracy/functionality; rule of law; fundamental rights; and public administration reform – the fundamentals of the EU accession process.<sup>4</sup> BiH will need to: fundamentally improve its legislative and institutional framework to ensure they meet the key priorities as elections, institutional framework, reconciliation, adopting new legislation on the High Judicial and Prosecutorial Council and of the Courts of Bosnia and Herzegovina in line with the European standards, strengthen the prevention and fight against corruption and organised crime, including money laundering and terrorism, effective coordination of border management and migration management capacity, as well as asylum system, implementation of the legislation on non-discrimination and on gender equality, right to life and prohibition of torture, environment for civil society, freedom of expression and of the media and the protection of journalists, protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTIQ+ persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees, public administration reform. CSOs are already working on many of the identified priorities, through EU programs and/or their own orientation. However, it should be emphasized that just *working* on priorities in BiH does not necessarily mean constructive outcomes. First of all, priorities are not of equal importance to the state, which can be seen from the treatment of certain areas.<sup>5</sup> When there is no interest or political will to work in a particular area, all CSOs can do is apply *soft* pressure because there is no functional mechanism that would make their demands relevant for the state (government). Therefore, certain priorities are retained in public and political discourse solely thanks to CSOs, but this is usually the last reach that CSOs have. The EU accession process in this sense should be a process that means cooperation and encouragement from all actors: state, CSOs, the EU

2 *Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union*, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-opinion.pdf> (accessed on: 20.12.2019).

3 *Analytical Report Accompanying the document Communication from the Commission to the European Parliament and the Council Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union*, available at: <http://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-analytical-report.pdf> (accessed on: 21.12.2019).

4 Delegation of the European Union to Bosnia and Herzegovina European Union and Special Representative in Bosnia and Herzegovina: *Opinion on BiH's Application for EU Membership*, available at: [http://europa.ba/?page\\_id=63860](http://europa.ba/?page_id=63860) (accessed on: 20.12.2019).

5 For example: reform the BiH Constitution to ensure compliance with the European Court of Human Rights decisions in cases: Sejdić-Finci, Pilav, Zornić, Šlaku.



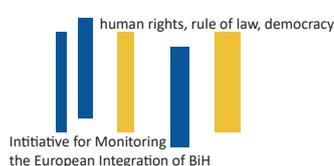
towards the same goal. But what to do when this process, in the case of CSOs, formally follows the EU structure while facing substantially limiting effects?

EU instruments to strengthen the role of COs in BiH can be divided into two main groups: CSOs funding and consultation with CSOs regarding the pre-accession process. Both segments are implemented in BiH; however both encounter difficulties limiting their results in relation to this process and the empowerment of the CSOs role in it.

### a) Funding CSOs

The previous policy paper outlined the EU funding method, and here the focus will be solely on its results. When it comes to financing CSOs, *The 2017 CSO Sustainability Index* finds it (in general) as a problematic area: financing of CSOs is often undisclosed and there are no regular checks on their transparency during the year; a fact that especially applies to those organizations that receive money from local sources, most often from public funds. Financial dependence leads to the high possibility of CSOs being co-opted for political purposes. Internationally funded NGOs usually have stricter rules imposed by donors on reporting finances, and some of these organizations play an important role in monitoring corruption, human rights, and transparency of institutions, or in pushing for legislative improvements. In 2018, most CSOs were still far from attaining a serious degree of self-sustainability.<sup>6</sup> The overall sustainability of CSOs in BiH did not change significantly in 2018, states *The 2018 CSO Sustainability Index for Central and Eastern Europe and Eurasia*. The only dimension recording a change in score was financial viability, which deteriorated as funding for CSOs continued to decrease, with international rather than local organizations receiving most direct donor funds.<sup>7</sup> In addition, only a small number of CSOs have the capacity to respond to calls for proposals, especially from international donors, or to offer services that generate direct revenue and thus help fund activities.<sup>8</sup>

Owing to the overall political atmosphere, CSOs' influence on governance structures was limited, and there was no strategic framework for authorities' cooperation with civil society (CS). *The 2018 CSO Sustainability Index for Bosnia and Herzegovina* outlines that financial support decreased and became less accessible for many CSOs.<sup>9</sup> Most CSOs have difficulty securing the financial resources



6 *Nations in Transit 2018: Bosnia and Herzegovina Country Profile*, available at: <https://freedomhouse.org/report/nations-transit/2018/bosnia-and-herzegovina> (accessed on: 29.12.2019).

7 *The 2018 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf> (accessed on: 29.12.2019).

8 Ibid.

9 According to this index, several organizations either shuttered or effectively stopped operating in 2018 – like Women to Women (Žene Ženama) which stopped work in 2018 after twenty years

they need. Various international donors, including the EU, USAID, the Swedish International Development Cooperation Agency (Sida), and several embassies continue to provide financial support to CSOs in BiH for programs in areas such as democratization, gender equality, the rights of lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) people, organizational capacity building, anti-corruption efforts, and environmental protection. International donors commonly place unrealistic limits on the amount of grants that can be used to cover salaries and operating costs, which presents a significant problem for CSOs.<sup>10</sup> Based on the principle of a sector-based approach, IPA II takes national development plans as templates for programming its assistance. While this solution is successful in increasing local ownership of IPA assistance, it bears the risk of omitting support for nongovernment related projects. In this regard, it is important that, regardless of the principle of *local ownership*<sup>11</sup> the European Parliament and EC fine-tune the list of projects and institutions to be funded under the IPA III together with the beneficiaries.<sup>11</sup>

When it comes to EU funding specifically, there are several shortcomings. More needs to be done to address **funding dependencies and support more grassroots, issue-based groups** whose role may not be to implement EU programmes, but to aggregate the interests of diverse sections of society.<sup>12</sup> Bureaucratic application procedure for EU-funded projects **absorbs a significant amount of human resources**, but this situation is highlighted by the fact that the bulk of EU **financial support is project-based**. CSO staff is faced with covering multiple projects simultaneously in order to ensure the organizations' survival, and time-consuming fundraising activities leave **little space for engagement with the broader population**.<sup>13</sup> There is a lack of transformative role, since some areas are covered for a limited time (project lasting) **instead of structural approach based on results of project, evaluation and the actual need**. Geopolitical context has been ignored, and the EU has been criticised for its lack of leadership in the WB in recent years, which has left the **door open for individual EU member states to push their national agendas** with regard to the EU's **enlargement policy**, and in their relations with the WB region.<sup>14</sup>

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of operations; Foreign Policy Initiative BiH, a distinguished organization that had a long-term focus on European integration and international relations, was also struggling not to close due to a lack of funding.

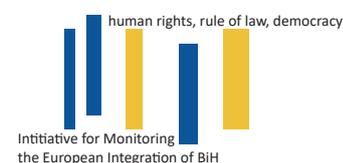
10 *The 2018 CSO Sustainability Index for Central and Eastern Europe and Eurasia.*

11 Marović, J. et al, *Strengthening the Rule of Law in the Western Balkans: Call for a Revolution against Particularism*, available at: <http://biepag.eu/wp-content/uploads/2019/03/Strengthening-the-Rule-of-Law.pdf> (accessed on: 30.12.2019).

12 Pérez-Solórzano, N. *Civil Society and EU Enlargement*, available at: <https://www.bbvaopenmind.com/en/articles/civil-society-and-eu-enlargement/> (accessed on: 20.12.2019).

13 Wunsch, N. *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process.*

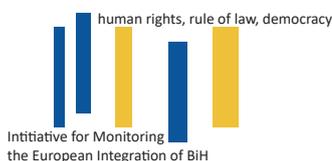
14 According to Erwan Fouéré, this reticence has also left the door open for Russia, Turkey and China to make their presence felt. See more: [https://www.ceps.eu/system/files/PI%202018-01\\_Fouere%20\\_Western%20Balkans.pdf](https://www.ceps.eu/system/files/PI%202018-01_Fouere%20_Western%20Balkans.pdf) (accessed on: 30.12.2019).



## b) Consultations with CSOs

“Initially established on an ad hoc basis, CSO consultations have since become a regular part of the EU’s efforts to evaluate progress in the different candidate countries. They involve both the EU Delegations on the ground and the Directorate General (DG) in Brussels. Beyond providing the EU with insights from within the countries, however, the Commission’s consultations with CSOs also “send a message to national governments: it is absolutely crucial to involve civil society actors“.<sup>15</sup>

In BiH, consultations have been organized with CS,<sup>16</sup> regularly for Progress Reports and information received during consultations with CSOs has been taken into consideration for Commission Opinion on Bosnia and Herzegovina’s application for membership of the European Union.<sup>17</sup> However, consultations with civil society are not systematic. They need to be with stronger feedback and dialogue for CSOs, rather than mere data collection. The EU has consistently sought to involve CSOs as sources of information for its regular assessments of the situation in (potential) candidate countries, which Wunsch sees as the EU’s demand that civil society be included in the negotiations as often purely rhetorical. Overall, the EU’s approach to civil society is criticized as being overly driven by accession rather than geared toward the demands formulated on the ground.<sup>18</sup> To serve mentioned above purpose effectively, the Commission’s current consultation procedures require important adjustments.



- 15 Wunsch, N. *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process*.
- 16 Since 2012, the Commission has held permanent consultations with CSOs within the framework of the Structured Dialogue on Justice with Bosnia and Herzegovina. These consultations are intended to guarantee that the voice of civil society reaches EU decision-makers, according to *The Western Balkans and EU Enlargement: Lessons learned, ways forward and prospects ahead* (see more: [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO\\_IDA\(2015\)534999\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA(2015)534999_EN.pdf)).
- 17 In Opinon it is stated: “The Commission also took into account the contributions received from consultations held with stakeholders such as civil society organisations, international organisations and EU Member States. This approach allowed the Commission to assess the administrative capacity of Bosnia and Herzegovina institutions and the way legislation is implemented. It also helped to better identify remaining challenges and priorities for future action.”.
- 18 Wunsch, N. *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process*.

## 2. LIMITED TRANSFORMATIVE ROLE OF CSOs

If we return to the EU idea of the role of CSOs<sup>19</sup> in the accession process, as well as programs created for these purposes, the question is how much has been achieved so far. It should be stressed that this is a long term process (especially given the history and context of the WB), the success of which is not the sole responsibility of the EU. However, it is necessary that the context and lessons (un)learned so far be basis in assessment for future work. The EU enlargement and CS promotion have different effects which can be seen in BiH through: a) limited evidence to show that the EU's civil society promotion strategy has helped remedy the weaknesses of civil society, and b) insufficient enhancing of the CSOs participation in policy-making. Instead of strengthening democratic reforms and institutions, democracy is retreating in the WB, the pace of transformation is slow, and a solid track record of results has yet to be established.<sup>20</sup>

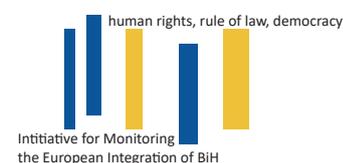
The context in which CSOs operate certainly determines their response to the program schedule that the EU sets. Financial independence, political clout, loss of focus,<sup>21</sup> short-term action in areas are just some of the challenges for CSOs. Nevertheless, there are professional organizations with clearly defined focus and specializations. At the same time, it is necessary to work on empowering the CS sector in a way that does not lose organizations but profiles.<sup>22</sup> According to *Revised indicative Strategy paper for Bosnia and Herzegovina (2014-2020)*, “major improvements are still needed, including the establishment of sector Civil Society Organisations mechanisms, sufficient and transparent public financing for CSOs, and a new law on tax exemption and on

19 “EU support to CSOs aims at building stronger democracies, improving accountability systems and ultimately achieving better policy and economic and social development. It seeks to empower civil society to fulfil the following key roles: 1. Creating stronger links to citizens by engaging in public policy processes, reaching out to society as a whole including marginalized groups and grass-root communities and encouraging civic activism and public participation in policy-making across all areas; 2. Becoming professional and reliable partners in the policy-making and reform process through evidence-based advocacy across all sectors and close monitoring of reforms; 3. Contributing to enhancing responsible and inclusive leadership in the political, economic and social spheres and provide early warning in case of societal change, 4. Strengthening economic development and create better links with business by promoting entrepreneurship, social innovation and job creation.”, *IPA II Civil Society Facility and Media Programme 2018-2019*, available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa\\_ii\\_2018-040-646.03\\_2019-040-647.03-csfmedia-bosnia\\_and\\_herzegovina.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa_ii_2018-040-646.03_2019-040-647.03-csfmedia-bosnia_and_herzegovina.pdf) (accessed on: 21.12.2019).

20 Marović, J. et al, *Strengthening the Rule of Law in the Western Balkans: Call for a Revolution against Particularism*.

21 As *The 2018 CSO Sustainability Index* describes, despite significant investments by donors in capacity building programs over the past two decades, CSOs still have limited organizational capacities. Many CSOs have clearly defined missions and target groups in their statutes, but because of their reliance on donor funding—both domestic and foreign—the focus of their work is often determined by the availability of funding, as opposed to their missions or the problems faced by their target groups.

22 Wunsch argues that the strengthening of a small number of already well-established organizations and the priorities defined through calls for applications and training offers correspond more closely to the Commission's immediate desire for CS to accompany the membership negotiations. This can run counter to the more long-term objective of creating a sustainable CS able to feed constructively into the general policy-making process at the national level.

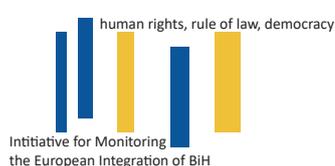


the promotion of volunteerism. In order to support the strengthening of the existing legal framework and its implementation, the capacities of government representatives and civil society organisations need to be further developed and political commitment for steering this process needs to be ensured”.<sup>23</sup>

In particular areas, the role of CSOs is still seen as isolate stakeholder with an impossible mission. The top-down and bottom-up tracks fail to meet. The EU’s top-down and civil society’s bottom-up strategies, for example for the promotion of the rule of law should not be considered as mutually exclusive, but rather as complementary approaches for the internalization of EU rule of law norms.<sup>24</sup> There is a strong need for a more inclusive bottom-up approach to EU rule of law promotion, in which CS actors are empowered to play a rights-holder’s role vis-à-vis public authority: this would help to push for compliance of key laws, monitor their implementation and influence norm internalization, both before and during negotiations.<sup>25</sup>

The EU has been partially successful in providing domestic civil societies with legitimating discourses to try and enhance their participation (when sought) in policy-making when faced with reluctant and often inadequate state structures.<sup>26</sup> A Charter on Cooperation between the Council of Ministers of Bosnia and Herzegovina and CSOs was signed in November 2017. A strategic framework for cooperation with CS still needs to be developed at all governance levels. A number of institutions at various levels of government designated contact points in charge of dialogue and cooperation with CSOs.<sup>27</sup>

Consultations with CSOs were occasionally held in specific sectors, also thanks to the use of institutional mechanisms such as e-consultation web platforms. All state-level draft laws must be posted on the e-consultation platform, allowing any interested member of the public to provide input on these drafts. By the end of 2018, 51 state institutions at the level of the Council of Ministers of BiH had registered on the platform, 191 public consultations had been held, and 151 reports had been published. More



23 ANNEX to the COMMISSION IMPLEMENTING DECISION amending Commission Decision C(2014) 9495 of 15.12.2014 adopting the Indicative Strategy Paper for Bosnia and Herzegovina for the period 2014-2020, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-bosnia-and-herzegovina.pdf> (accessed on: 21.12.2019).

24 In Policy study *Strengthening the Rule of Law in the Western Balkans: Call for a Revolution against Particularism* further is elaborated: “It is essential to achieve the transformation of traditional top-down power structures in which governments are at liberty to influence both legislative and judiciary branch through clientelistic networks and/or methods of more or less open pressure into a horizontally structured civil society based on the rule of law. This exercise is not simply a superficial creation of healthier and less dependent relations between the state and civil society. It has much more serious consequences, particularly within the process of EU integration”.

25 Marović, J. et al, *Strengthening the Rule of Law in the Western Balkans: Call for a Revolution against Particularism*.

26 Pérez-Solórzano, N. *Civil Society and EU Enlargement*.

27 IPA II Civil Society Facility and Media Programme 2018-2019.

than 2,000 legal and/or natural persons are registered on the platform, and so far, they submitted more than 1,200 proposals and comments.<sup>28</sup> A similar platform is being built in FBiH, which is expected to become functional in 2019. In RS, there is no proactive system of consultation, although draft laws are posted in the official gazette and people can submit their comments in writing. Experiences of the organizations using the platform are mostly positive, especially because document development plans are available beforehand, and the institutions provide feedback and explanations for accepting or rejecting the submitted proposals and suggestions. On the other hand, the consultation period does not last long enough, and consultations are rarely implemented before the development of the preliminary draft.<sup>29</sup> During the period leading up to the October 2018 general elections, there was a mismatch between CSO initiatives and government and parliamentary interests. Officials tended to respond only to CSO initiatives that were required by the EU, that helped them fulfil some obligation, or that the ruling party backed.<sup>30</sup>

The process of establishing the advisory body of the Council of Ministers of BiH for CS was initiated in 2018. This body, which will include five CSO representatives, will be involved in all of the Council of Ministers' activities related to CS. Advisory board was formed in January 2019.

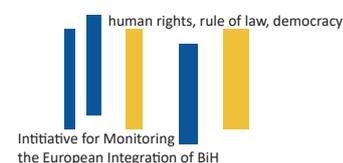
Transformative role of CSOs should be observed in light of general effects of EU's transformative power approach in BiH. Again, limitations set by lack of political will and weak institutions in BiH are not an excuse to hold back reform process in this country. However, consequences of the EU's rather soft attitude<sup>31</sup> towards slow progress is also reflected in CSOs – long-standing investment in empowering one component/actor independently from (or at least insufficiently connected to) the dysfunction of the state's response to the accession challenges may deepen the gap between stakeholder perceptions but also weaken the CS sector in terms of counter productiveness in at least two of the EU's goals for CSOs (creating CSOs environment and positive image of EU integration).

28 Cvjetičanin, T. (ed), *The 2019 Alternative Report on the Application of Bosnia and Herzegovina for European Union Membership: Political Criteria*, available at: [http://eu-monitoring.ba/site/wp-content/uploads/2019/04/alternativni\\_eng-1.pdf](http://eu-monitoring.ba/site/wp-content/uploads/2019/04/alternativni_eng-1.pdf) (accessed on: 28.12.2019).

29 Cvjetičanin, T. (ed), *The 2019 Alternative Report on the Application of Bosnia and Herzegovina for European Union Membership: Political Criteria*.

30 *The 2018 CSO Sustainability Index for Central and Eastern Europe and Eurasia*.

31 The Commission's reengagement in the region is articulated around a renewed emphasis on strict conditionality, which nevertheless fails to integrate domestic partners as necessary local drivers of implementation. See more in *Overcoming enlargement deadlock: an action plan for the incoming EU leadership*: <https://biepag.eu/wp-content/uploads/2019/11/Policybrief-Final.pdf?fbclid=IwAR3VXMOKjCiZzFOSGL6WbOoJKIVA1bRxv-Xm49-lbtLcCJqkA3rJ--nwgs0>.



### 3. CSOs INFLUENCE IN BIH: READING THE SMALL PRINT

From the perspective of CSOs role in EU integrations, where are BiH CSOs now? There is limited transformative role but also limited influence on priority settings. This is a result of several issues:

a) CSOs often adapt their activities to the current priorities set by the EU;

Space for CSOs is shrinking,<sup>32</sup> and it is resulting in compromises in terms of both the professionalization and the kind of *commercialization* of CSOs (having in mind that decreased funding affects CSOs' sustainability). This sometimes means project orientation rather than the transformative role in the area in which it operates, including the lack of adequate follow – up after project completion.<sup>33</sup> Areas from pre-accession funds must be positioned as long-term and take into account real context (with its obstacles and limit broad and unrealistic goals) and deliver accurate outcomes instead of just ticking boxes. There is also the issue of CSO capacities.<sup>34</sup> The polarized, fragmented, financially unsustainable and under-capacitated CSOs are having difficulties to articulate strong demands towards the governments.<sup>35</sup>

b) CSOs are perceived (and treated) as parallel stakeholder in pre-accession process, maintaining an established discourse of (government-EU) exclusivity in prioritization (opposite of what participative democracy should be);

The relationship between government and civil society has yet to be defined and operationalised particularly at higher levels. Still, lessons learned from neighbouring countries taught us that having established mechanisms of cooperation does not mean they are sufficiently translated into practice.<sup>36</sup> Similar practice exists in BiH:

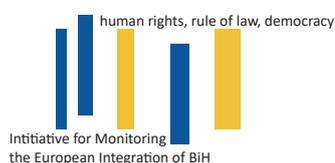
32 In its 2012 Council conclusions, the EU recognized the tendency of shrinking spaces for civil society organizations and committed itself to fostering a dynamic, independent environment in which civil society could grow.

33 *The 2016 CSO Sustainability Index for Central and Eastern Europe and Asia* brings the information that more than half (56%) of a representative group of 1,000 registered CSOs that received EU 2012 IPA funds are inactive. Available at: [https://www.usaid.gov/sites/default/files/documents/1866/CSOSI\\_Report\\_7-28-17.pdf](https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf).

34 For example, limited number of CSOs engage in strategic planning, while most small CSOs lack the capacity or motivation to plan and implement activities on the basis of strategic plans, as their reliance on donor funding means that donors' priorities drive most of their work. Further, according to *The 2018 CSO Sustainability Index*, most CSOs lack the functional structures and procedures needed to make their operations more transparent and accountable. For example, few CSOs have rulebooks governing their internal procedures. CSOs generally employ staff on a project basis while only prominent CSOs with stable funding have permanent paid staff.

35 Misić Mihajlović, S. and Engeli, J. *Why is the Space for Civil Society in the Balkans Shrinking?* Available at: <https://www.helvetas.org/en/eastern-europe/about-us/follow-us/helvetas-mosaic/article/why-is-the-space-for-civil-society-in-the-Balkans-shrinking> (accessed on: 25.12.2019).

36 Juzova, J. *Civil society and the EU integration process: Key importance, little impact?*



consultations are held on an *ad hoc* basis, the CS recommendations are not reflected in the final versions of the documents, process of policy making is not transparent enough, leading to the situation when the actual benefit of CS engagement is misunderstood and undervalued by political leadership, and the cooperation is realized rather in a *pro forma* manner because it is required by the EU. The engagement of civil society is limited and uneven while domestic infrastructure to support CS remains underdeveloped.<sup>37</sup> Current state of the relationship between the government and CSOs is fragmented and selective, with slow progress. CS has so far not been an essential partner of institutions and government representatives in the EU integration process.

**c)** discrepancy between goals (for CSOs) and efficiency/ appropriate of provided mechanisms, as well as lack of constructive applications of the results of evaluations (funding programs) and adaptation to the context in which CSOs are empowered and their impact;

**d)** Lack of positive image (CSO-EU relation).

The public does not always have a clear understanding of the role of CS in a democratic society.<sup>38</sup> In addition, the double function of the EU as the key donor and major reference point to back up CSOs' policy recommendations also affects the positioning of these organizations within the society.<sup>39</sup> Public awareness and the image of the CS sector need to be improved and deepened.<sup>40</sup> As Marko Kmezić states, one of the bigger challenges in the six remaining WB accession countries in the years to come will be to keep the elites and citizens motivated to continue the reform process.<sup>41</sup> This should be observed in BiH in lights of unsatisfactory accession process and raising doubts of the EU path for BiH.<sup>42</sup> In this context (growing frustrations from the prolonged integration process and unfulfilled promises by the EU)<sup>43</sup>, effective communication strategies about the EU and the integration process are of crucial importance.

Regarding the promotion of a positive image of EU integration and EU values, several examples in BiH may be mentioned:

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Available at: <https://europeanwesternbalkans.com/2019/09/11/civil-society-and-the-eu-integration-process-key-importance-little-impact/> (accessed on: 20.12.2019).

37 *IPA II Civil Society Facility and Media Programme 2018-2019.*

38 *The 2018 CSO Sustainability Index for Central and Eastern Europe and Eurasia.*

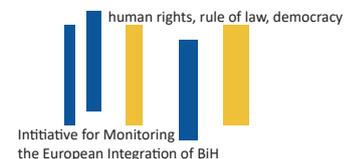
39 Wunsch, N. *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process.*

40 *IPA II Civil Society Facility and Media Programme 2018-2019.*

41 Kmezić, M. *The Western Balkans and EU Enlargement: Lessons learned, ways forward and prospects ahead.*

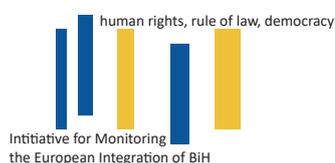
42 According to 2019 *Alternative Report on the Application of Bosnia and Herzegovina for European Union Membership: Political Criteria*, BiH fails to demonstrate a true commitment to reform processes on the European path and for now keeps such a commitment at a declarative level.

43 Juzova, J. *Civil society and the EU integration process: Key importance, little impact?*



- The “Initiative for Monitoring the European Integration of BiH” - a platform bringing together civil society actors - published their *Alternative Responses to Commission’s Opinion Questionnaire* in October 2017. Also, shadow reporting is present and continuous (like *Alternative Report on the Application of Bosnia and Herzegovina for European Union Membership: Political Criteria, Alternative Progress Report*).
- Interactive platform – [www.EUresurs.ba](http://www.EUresurs.ba) was established with assistance of the EU, with the aim of promoting the European values; it will inform BiH citizens about the EU integration process and it will monitor progress and the harmonisation of the local legislation with the EU acquis in several different sectors (anti-corruption, social policy, employment, health care, youth, human rights and democracy, media, etc.).<sup>44</sup>
- The “*December 2014-2018 requirements*” include 78 requests that presented a list of priority and specific commitments for government officials at all levels in the 2014-2018 term. The requirements<sup>45</sup> were highlighted by the Initiative for Monitoring the European Integration of Bosnia and Herzegovina in December 2014. In 2018, an analysis of fulfilment was conducted with the result of 17 requirements which were partially fulfilled, while only 8 requirements were fully fulfilled in the four years.<sup>46</sup>
- The “*CSOs - expert associates for EU integration campaign*” is a campaign currently being prepared which aims to specify the existing partnership between BiH government and CSOs in the EU integration process – to establish a mechanism of cooperation between the institutions and CSOs in the context of negotiations with the EU.<sup>47</sup>

Although a part of the negotiation process, many CS actors remain on the margins. At the same time, from Initiative for monitoring EU integrations comes a warning that all 14 key priorities highlighted by the EC in its Opinion on BiH application for EU membership are obstacles and neither BiH authorities nor the EU have done enough to create the preconditions to overcome these obstacles.<sup>48</sup> “Civil society can impose itself as a stakeholder and partner, only by extraordinary



44 Resource Center for BiH civil society in EU integrations, <http://euresurs.ba> (accessed on: 26.12.2019).

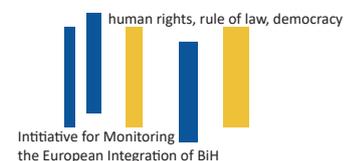
45 Available at: <http://eu-monitoring.ba/decembarски-zajtjevi-2014-2018/> (accessed on: 29.12.2019).

46 See more (bcs): <http://eu-monitoring.ba/site/wp-content/uploads/2018/10/HRP-dec.zajtjevi-01.10.2018.-WEB-2.pdf> (accessed on: 29.12.2019).

47 Campaign CSOs - expert associates for EU integration, available at: <http://www.euresurs.ba/sustainability/eu-campaign/4> (accessed on: 29.12.2019).

48 Sandžaktarević, I. *Rasim Ibrahimagić: Partial results of BiH government on the EU path are now coming back as a boomerang*, available at: <http://eu-monitoring.ba/interview-ba-polovicno-ostvareni-rezultati-bh-vlasti-na-putu-ka-eu-sada-se-vracaju-kao-bumerang/> (accessed on: 27.12.2019).

and special effort and participation in the political arena, and not because its participation is of interest to Bosnian institutions or EU protagonists”, it states in 2016.<sup>49</sup> There is, unfortunately, very little progress to this day. And that means a significant change has to be proposed and done. In (pre)accession process all the above mentioned actors (EU, BiH, CSOs, EUD in BiH) have roles and responsibilities which are not mutually exclusive, but should work in same directions.



<sup>49</sup> Gavrić, S. in *Shrinking Space in the western Balkans*, For the Locals Unwanted, for the International Community a “Necessary Evil” On the Position of Civil Society Organisations in Bosnia and Herzegovina, available at: <https://www.boell.de/sites/default/files/shrinking-spaces-in-the-western-balkans.pdf> (accessed on: 26.12.2019).

## RECOMMENDATIONS

Proposed recommendations (below) relate to the EU, given the creation of funding programs and their implementation, and the goals that they seek to achieve when discussing the role of CSOs in the EU integration process. However, it is also necessary to point out the responsibilities that the government(s) in BiH have regarding same issue: developing regular cooperation and consultations systematic consultations with CSOs; improving consultation process in terms to be efficient, structural and regular; enabling environment for CS, notably by upholding European standards on freedom of association and freedom of assembly. **The overall recommendations** addressing improvement of financing CSOs in BiH according to the EU standards and role of CSOs in accession process are:

### Setting of funding programmes

- Set out a clear commitment to more consistent and direct support for civil society at all levels;
- Top-down and bottom-up strategies for the promotion of the rule of law should be used together;
- More financial support for targeted projects, based on evaluation results and progress reports;
- Support constructive grassroots and local initiatives;
- Adapt criteria to eligibility of in-kind contributions for co-financing by CSOs;

### CSOs capacity building

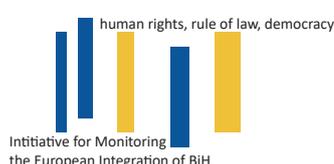
- Capacity building programmes for CSOs should be targeted based on priority areas;
- Establish a structural approach to the CSOs shrinking space problem;
- Strengthen the capacities of CSOs to engage in structured dialogue with the public institutions;

### Monitoring and evaluation

- Strengthen external and internal monitoring of EU support to CS;
- Evaluation reports should be made for individual projects in BiH or by area of funding, and should include an assessment of the need for continuation the funding program;

### CSO-EU-citizens

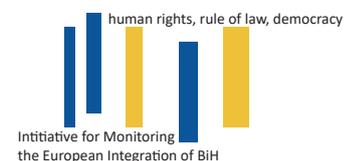
- Assess the need for effective communication about the EU to citizens;



- Improve consultation process (more follow-up and ongoing constructive dialogue) to ensure regular exchanges between CSOs and EU on priority areas;
- Structural support for CS to raise awareness about the EU and its enlargement process.

### CSO-Government-EU

- Encourage actual instead of *formal* solutions: government responsibility for collaboration with CSOs does not end with the establishment of institutional mechanisms;
- Keep providing public support for CSOs and condemning anti-democratic threats and attacks on CS;
- Enhanced regional networking and dialogue of CS and local governments across the WB.



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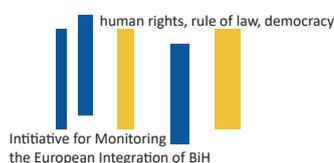
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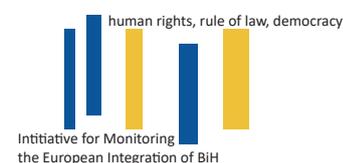
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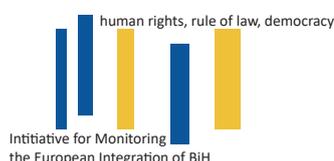
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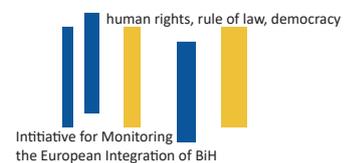
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## ABOUT THE INITIATIVE

**The Initiative for Monitoring the European Integration of Bosnia and Herzegovina** is an informal coalition of forty civil society organisations which contributes to monitoring the reforms and oversees the implementation of policies, rights and standards of the European Union, focusing on the issues of democratisation, rule of law, and human and minority rights. Learn more about the Initiative at: <http://eu-monitoring.ba/o-inicijativi/>.

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Aarhus Centre in BiH, Sarajevo  
Association for Democratic Initiatives, Sarajevo  
Association Network for Building Peace, Sarajevo  
Association Transitional Justice, Accountability and Remembrance, Sarajevo  
Balkan Investigative Reporting Network in Bosnia and Herzegovina, Sarajevo  
BH Journalists, Sarajevo  
Centre for Investigative Reporting, Sarajevo  
Centre for Political Studies, Sarajevo  
Civil Society Promotion Centre, Sarajevo  
Forum ZDF, Sarajevo  
Foundation 787, Sarajevo  
Foundation Cure, Sarajevo  
Helsinki Citizens' Assembly, Banja Luka  
Hope and Homes for Children, Sarajevo  
Kali Sara – Roma Information Centre, Sarajevo  
Land of Children, Tuzla  
MyRight – Empowers People with Disabilities, Sarajevo  
Oštra Nula, Banja Luka  
Sarajevo Open Centre, Sarajevo  
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TRIAL International, Sarajevo  
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