*Uncaptive Minds*

# Seminar Papers

Civic Institutions, Citizens' Participation:

The Case of the Region and Serbia

*by* Miljenko Dereta

## IDEE Seminar Papers

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## The Author

Miljenko Dereta was a film director and commentator from Belgrade. Having never moved his address, he lived in five states—the last being the Republic of Serbia. Mr. Dereta was active in anti-war and democratic parties starting in the early 1990s and founded Civic Initiatives in 1996, which he directed for fifteen years. He served two years in parliament (2012–2014) as an independent member in the political coalition, U-Turn (*Preokret*) where he worked on education reform before returning to Civic Initiatives in 2014 as counselor, where he was active in numerous civic, humanitarian, and democracy projects. Miljenko Dereta died in November 2014 at the age of 65. [See *Uncaptive Minds* Special Issue *In Memoriam* on page 183.]

## Surprising Turns: Civil Society in the Region & Serbia
*by* **Miljenko Dereta**

I, like Smaranda Enache, am very glad to be here and I am also glad that I am following Smaranda's presentation, since she mentioned many of the problems that we have in the region. It made me realize how little we communicate with each other despite our closeness in geography. This is one of the problems of civil society in the region today.

I am not going to talk about the past in Serbia; it would take too long to analyze the last twenty-five years. Instead, I have divided my paper in two parts. The first part is more generally about civil society in the region and globally; the second part addresses the situation more locally in Serbia.

## Part 1: Civil Society in the Region

To begin, let me quote a very interesting recent open letter of Danny Sriskandarajah, the general secretary of the biggest global civil society network, CIVICUS, written to its members:

> Overly reliant on state funding, we have allowed our work—our ambitions even—to become constrained by donor requirements, by the need to avoid biting the hand that feeds us. Where once a spirit of volunteerism was the lifeblood of the sector, many NGOs today look and behave like multinational corporations.… They have corporate-style hierarchies and super-brands. Saving the world has become big business.… Many courageous, inspirational people and organizations are fighting the good fight. But too many of us—myself included—have become detached from the people and movements that drive real social and political change. The corporatization of civil society has tamed our ambition; too often it has made us agents rather than agitators of the system.

I think this open letter to civil society organizations around the world describes very well how deep is the global crisis that challenges citizens who want to participate actively in the processes that should improve their quality of life in all aspects.

### The Last 25 Years

Twenty-five years is a relatively short period to analyze civil society. But in the post-communist countries it is a complex period, full of surprising turns with differing results.

It must be remembered that in the process of bringing down communist regimes in the region, civic groups played the role of non-existing political parties. They were the ones to challenge the regimes in power. In Poland, the core of the movement was a trade union; in Czechoslovakia a group of intellectuals around Vaclav Havel; in Yugoslavia, a group of Slovenian academics, who initiated discussions on economic reforms that coincided with artists' and students' demands for more democracy.

These groups were successful in achieving difficult and complex political changes and perceived themselves as having not only the responsibility but also the right to remain an important factor in the political life of their countries. Once in power, however, some of them faced unexpected and unpleasant surprises. Presumed political allies showed no enthusiasm to let civil society representatives enter a space that the politicians wanted to control completely.

From a longer term perspective, the Eastern Europe experience contributed to the "re-discovery" of civil society by EU bureaucracies. Smaranda Enache noted the stated obligations of the European Union to consult with civil society, yet these consultations are simply formal. Civil society organizations in Eastern Europe had the expectation that since they contributed so much to the changes in their countries they would have a right to be consulted and even listened to. But their demands for concrete involvement in political decision making created unpredicted opposition from European institutions. Although the stipulation for formal consultation appears to widen the process, in fact the involvement of citizens is minimal—more symbolic than substantial—and it is very often just a simulation with pre-prepared decisions already made. Many barriers exist to prevent this consultative process from bringing about real changes. It is one among many issues of civil society organizations within the EU.

**The Biggest Challenges**

One of the biggest challenges for civil society in the region was that it was impossible to maintain over a long period of time the energy and will of citizens to be engaged in a battle for the common good and a system of values. Over the course of many years, there was a feeling by citizens of wasted energy given the poor results of their engagement. Together with the "normalization" of life and its newly acquired comfort and commodities, fatigue set in, with citizen's growing passivity evolving dangerously into apathy.

New self-proclaimed "democrats" in power remembered well the danger of an engaged, active citizenry to the "stability of the state," now meaning to their own positions in power, and they limited citizen participation through restrictive legislation or procedures, or simply in practice.

In Serbia, for instance, public debate on new laws is obligatory, but this is usually avoided through "accelerated parliamentary procedures." Political engagement by citizens is perceived as incidental, while passivity and apathy are seen as normal. At the same time, the public has great expectations of civil society organizations. In the current political situation, however, commenting on scandalous political decisions may be the only possible activity left to civil society groups.

The other big challenge is the now blurred boundaries between politics, business, and civil society. What were once three clear circles with minimal overlapping are today creating just one circle with almost no space for independent activities. I strongly fear that citizens will be the biggest if not the only losers of this interdependence.

## Cleavages

In a 2007 article, "Democracy in the Post-Communist World: An Unending Quest?", the authors offer some useful classifications:

> The most obvious fact is that fifteen years after the collapse of communist regimes, there is a wide range of political systems in the region that can be grouped in three categories: democratic, semi-democratic, and autocratic. While some countries enjoy high-quality democratic institutions, others suffer under authoritarian regimes of various hues. More important, despite the welcome phenomenon of "colored revolutions"—an attempt to renew the commitment to democracy in some post-communist countries—the prevailing tendency in the countries that emerged from the Soviet Union is toward "competitive authoritarianism."[1]

Within these classifications, the examples of Serbia and Hungary become especially dramatic. Smaranda mentioned the case of Hungary. In Serbia, there was a period of intense building of democratic institutions after the fall of Milošević in October 2000, but this was suddenly stopped by the assassination of the reformist Prime Minister Zoran Djindjić, which took place in March 2003. This two-and-a-half-year period was followed by a process of slowing down of reforms, reopening the question of the position of Kosovo, and the gradual reintroduction of a party-state in which the state remains the biggest employer and the only qualification for a job is belonging to the party in power. So now, also as a result of free and fair elections in 2012 and 2014, we have in power a coalition of political parties that were originally responsible for the wars of 1991–95

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[1] "Democracy in the Post-Communist World: An Unending Quest?" by Grzegorz Ekiert, Jan Kubik, and Milada Anna Vachudova, *East European Politics and Societies*, February 2007 (vol. 21/1, 7-30).

and the Kosovo war in 1999. These are parties whose previous leaders stand accused before the Hague tribunal and whose current leaders avoid all responsibility for what happened. This has taken Serbia back from a democratic path and placed it in an authoritarian status. It is a result of a lack of lustration and of the successful fight for survival by extremist nationalistic forces in Serbia.

In the new reality, the definition of the NGO sector comes from Putin. In the Russian Federation, civil society organizations are now defined as foreign agents if they receive support from outside the country. Of course, actors have agents, writers have agents. But in our culture, an agent is a traitor or a spy. The political positioning of Viktor Orbán explains why Hungary was the first state in Central and Eastern Europe to adopt Putin's definition by accusing the government of Norway of interfering in the political life of Hungary. The reason was that NORAD [Norway's development agency] supported ecological groups, which in the government's reasoning meant support of the Green Party. We can rightly fear the rich imagination of enemies of democracy in applying these criteria. Such thinking will spread like wildfire in the region because regimes are waiting for an excuse to take action against those who are critical of them. Here, we are all agents.

This is a big problem because one of the main common points of our countries is the need for funding from abroad. The development of civil societies in poor countries is quite difficult and almost impossible without foreign support. The accusation of being foreign agents has always been an argument for those who didn't want citizens to be active but at the same time citizens' participation has been until now funded by support from outside the country.

**Financial Sustainability and Donors**

The role of donors as well as their profile and culture changed dramatically in the past two decades. In former Yugoslavia in the 1990s, the donors were mainly a mix of US private and public foundations with almost a complete absence of European funds. Their goal was to contribute to substantial changes in transitional countries. At the time, Europe was incredibly passive. I could never understand that, why Europe didn't care about democracy as much as the US did.

Slowly, and especially after Milošević's departure in 2000, funding shifted largely to state agencies like USAID in the United States and then the EU Commission. They introduced criteria that very few NGOs could meet as well as procedures more appropriate for businesses and state bureaucracy than for citizens' associations. In that process, civil society or-

ganizations have confronted a high level of inflexibility, bureaucratization, and expectations by donors for minimum investments or matching funds.

When we speak of civil society, there is often a blurring of real meaning. Civil society is spoken of outside of its relationship to citizens. It is just an abstract term. The biggest change in the work of civil society organizations in the region—and which I think is the biggest problem—is that in the old times we used to have a project. We had an idea that was a reflection of the needs of people, of citizens. We saw the problem, we defined it, and we proposed a solution to it. Then we looked for donors. The hardest change came when the donors assumed the role of setting the agenda and priorities, which was diametrically opposed to how civil society worked and completely changed the culture of civil society organizations.

Today, the majority of civil society organizations look to the donors, both private and public, waiting for calls for proposals, waiting to see what the needs are of this donor "constituency," and trying to impose these needs on their own countries or communities. The donors are surprised by anyone proposing their own ideas for developing civil society. They perceive us as serving the interests of the donors, not of our own constituencies. For example, the USAID—since it is not just a European problem—imposes programs that are devised in Washington. It doesn't care about the ideas and priorities of civil society organizations.

So, civil society organizations no longer know who they serve. At a conference in Turkey, I asked a question of the participants: "Who sets the agenda, civil society or donors?" The almost unanimous answer was donors. This is the new reality. Civil society organizations are not looking anymore to their constituencies but are trying to satisfy the donors' requirements. This problem generates a lot of mistrust of institutions, whether local, national, or international, and will result in a decrease of involvement of citizens in their activities.

Furthermore, donors, acting as both the agenda setters and funders, react negatively to any criticism, viewing it as insubordination or lack of political discipline. If you criticize any of their decisions—and many of them need to be criticized—you are erased from their reports and their list of potential partners. My organization, Civic Initiatives, was completely erased from [the USAID's] 2013 survey on civil society, although we are the main capacity building and advocacy NGO in Serbia. "We just cannot control you as much as we would like," was the unofficial explanation.

I think that the only appropriate organizations that should be setting the agenda are not donors but civil society organizations, meaning citizens.

**New Technologies**

A completely new aspect of citizen's organization is the direct result of new technologies.

Information and communication technologies have opened up spaces of power, influence, and association to new configurations of actors, leading to a significant growth of online civil society activity and enabling civic networks to be built across geographical, social, and physical divides. Social networks became a space for completely new forms of communication, organization, networking and mobilizing citizens.

The World Economic Forum study on civil society introduces a new division of "off-line" and "on-line" CSOs. We can now talk about "two" levels of civil society. The communication is not just horizontal anymore, it also becomes vertical. It opens a challenge of transferring activism from "virtual" to real life and this is often the main reason for skepticism by those who do not understand social networks. It is a process and methodology that has to be developed but even at this stage there are several very inspiring examples of such synergy in which actions begun online have been transferred to real life with concrete results. I will mention two good local examples. One relates to an arbitrary political decision of the ruling party and the Serbian Orthodox Church to move the remains of Nikola Tesla, the great scientist. His ashes have always been in a special urn at the Nicola Tesla Museum in Belgrade, which some found objectionable on religious grounds. The Church's decision was widely criticized on Facebook and in twenty-four hours thirty thousand signatures were collected on a petition opposing the decision. Within forty-eight hours, two thousand people came out to protest in front of the museum. The decision was postponed. A second example was the mobilization of young people during the recent floods in Serbia in the spring of 2014. An impressive, ongoing exchange of information from the web successfully turned into numerous practical actions, including providing humanitarian aid, volunteers helping people cope, and so on. This online activity has established a still functioning network of volunteers.

It means that there is a new challenge in forming new ways of organization and I think that we are in a good position to deal with this. There are many proposals from young people that are not being heard. Still, when I had the chance to speak to young people about the problems in Serbia, I asked "How would you change things?" The answer was, "It is difficult to change things because it is hard to bring people to the streets." No one mentioned any change coming from institutions—changes can only be thought of as coming from the streets. The system defends itself so well

that people think they cannot influence things within institutions. I myself was in parliament for two years and I saw how it functioned. It was a waste of two years. Nothing really happens in the parliament. It happens in the heads of party leaders; it is a plutocracy that we face.

### Recapitulation

There is a very interesting television advertisement in which deep in the forest a mother is eating the last cookie in front of her shocked daughter and says to her, "Life is not a fairy tale."

I was reminded of it when I saw the title of our meeting, "Unfinished Business." It seemed perhaps that we had lived in a fairy tale believing that the "business" of democratic development of states and societies could ever be finished. We know, of course, this is a naïve presumption and that we will not have time to rest or enjoy the fruits of our activities. Nevertheless, when we review the last twenty-five years, a lot has been achieved, not equally in each country but at least now we have among us friends who share our value systems, our goals, and are willing to help us to achieve them.

I will dare to propose that we should concentrate in each of our countries on creating a state of rule of law, equality, and human rights where freedom of speech and association is guaranteed. We should educate citizens so that they can rationally evaluate political options and so not elect those who limit citizens' freedoms or promote inequality. We should no longer presume that free and fair elections are the only institution in a democracy, since they can serve also to legitimize non-democratic systems.

## Part 2: Serbian Case Study

After the disintegration of Yugoslavia, civil society organizations in Serbia worked under conditions of ongoing war and economic crises, followed by the NATO bombing in 1999. After the overthrow of Milošević in the year 2000, there was hope that the period of misery and long-term instability would pass, but today we still face the unsolved problems of taking responsibility for the wars, of a continued difficult economic situation, and pervasive poverty.

We understood the role of civil society organizations during the 1990s, when they were declared "anti-governmental." After the democratic change in 2000, however, we became "collaborators," or a partner of the government, in building a different state of Serbia.

At the moment, the greatest obstacle to Serbia's EU accession remains the issue of Kosovo. Implementation of the agreement signed in Brussels required the ongoing normalization of relations to get a date to start membership negotiations in January 2014. There is considerable disagreement in Serbian politics about what approach to take towards both the European Union and Kosovo. In any case, ethnic tensions are not decreasing, since the implementation of normalization measures do not adequately address grassroots problems.

In terms of regional cooperation, there are growing tensions due to debates over mutual law suits on genocide and over measures to decrease the rights of ethnic minorities, among others. There is an ongoing need to build further regional cooperation, especially among countries involved in the conflicts of the 1990s. This cooperation would have direct impact on internal issues regarding the respect of rights of national minorities.

Harmonization with European standards continues and important laws and strategies have been adopted over the years. But Serbia still has a long way to go in order to integrate EU laws and regulations in practice, especially with regard to judicial reform, security, and fundamental freedoms. Corruption is prevalent in many areas in Serbian society despite all the existing laws and institutions. Implementation of existing laws and strengthening the rule of law remains a great challenge.

**Political Context**

In the 2014 elections, the Serbian Progressive Party (SNS), which emerged from Vojislav Šešelj's Serbian Radical Party, became the country's new leading party. The Socialist Party of Serbia (SPS) joined in forming the government along with other small coalition partners. The new coalition is thus made up of the parties that are responsible for the wars in the region during the 1990s. These parties now carry out policies that are diametrically opposed to their core election platform on which they obtained citizens' votes. Overnight, these parties became pro-European and have taken very concrete steps towards accelerating the European integration process and resolving the Kosovo problem peacefully. Only yesterday, the present authorities called such policies traitorous and opposed to the national interests of Serbia. Still, within the borders of Serbia, this government shows its nationalistic and authoritarian approach in many ways (the promotion of clerico-fascistic groups, putting together lists of anti-patriotic CSOs and individuals, weakening democratic institutions and media freedom, among others).

The struggle against corruption, which is trumpeted from the rooftops, is the main reason for public support of the government. Admittedly, the manner in which this fight is carried out is highly questionable since it

is done outside normal government institutions. Up to now, it has been primarily directed towards settling of accounts with political rivals and former corrupt officials and not towards creating a new legal framework that would prevent corruption in the future.

Political parties are the actual centers of power in which all policy decisions are made. All decisions are made by a narrow circle of party leaders, who place the interests of the party above all national interests. Institutions fail to do the work they should do and fail to do it in the right manner. It is a big challenge for our future work in encouraging civic participation.

**The Economy**

There is a deep economic crisis. State-owned and state-controlled public enterprises are inefficient and unprofitable, creating huge loses and offering opportunities for systemic corruption. The desire to keep social peace has resulted in public debt that reached greater than 60 percent of GDP.

The high unemployment rate is alarming, with an estimated 30 percent of Serbia's working-age population being unemployed, with the hardest hit being women, minorities, and young people under the age of thirty. In this situation of pauperization and high unemployment, violence has increased against ethnic minorities, especially Roma. More than forty-five women were killed by domestic partners or family members in 2013 (an increase of 90 percent over 2012). Violence among young people in sporting arenas, in schools, and on the streets is on the rise. Particularly in ethnically mixed geographic areas.

Discrimination against minority groups continues to be a problem. Both the rule of law and awareness about human rights are considered low in comparison with other European countries. The situation has gradually improved regarding the legal framework for equal treatment, but the commitment of the government for implementation of the law is deficient.

**Civil Society and Citizen Participation**

All these circumstances contribute to a decrease of civic activism in Serbia and a low level of citizen's participation in elections. The government is detached from citizens and their needs and citizens are excluded from decision making processes. Citizens are impoverished, passive, and unmotivated to be involved in politics when facing the struggles of everyday life.

The encouraging factor is that there are more than 23,000 currently registered non-profit and civil society organizations in Serbia, with almost half of them established after 2009. This means that the NGO sector is

relatively young; only 15 percent of organizations were founded before 1990. The majority of organizations deal with social services, culture, media, recreation, and the environment. Although civil society groups would recognize the economy as the burning problem in society, not many deal with the issue. There is a need for building NGO capacity to engage more citizens' groups in dealing with the economy, to monitor economic measures, and to play an active role in this area. Yet, in recent times, Serbia has seen a gradual, but marked reduction of activity by foreign donors. Most embassies and foreign government development agencies have indicated that they will be gradually phasing out their support to Serbia as the country progresses towards European integration.

In this context, Civic Initiatives is encouraging citizens to engage in solving problems that affect their lives. The role of civil society should again be to put citizens in motion to actively participate; to demand from government to respect the rule of law and to solve numerous existing issues in Serbia in an adequate manner; and through different forms of association to take part in making new policies and directly implementing them.

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