



DEMOCRACY AND HUMAN RIGHTS

BEYOND PROJECTS

Local Legitimacy and Civil Society Advocacy in Bosnia and Herzegovina

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Donors are aware that low local legitimacy limits NGO advocacy outcomes and are therefore searching for ways to engage a broader range of social actors.



This paper presents research on what makes an NGO legitimate in the eyes of citizens, and how legitimacy affects the outcomes they are able to achieve. It found that intermediary NGOs supported by both donors and citizens are able to achieve broader advocacy outcomes.



Activists strive to build legitimacy by focusing on concrete local issues which have a broader symbolic significance.

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INTRODUCTION

This is a moment of crisis for civil society in Bosnia and Herzegovina (BiH), but one which may also bring significant opportunities. Civil society (CS) actors desiring to contribute to more substantive democratization and peace have long been stuck between the persistent obstruction of politicians and the weak or nonexistent implementation of policies advocated by CS on one side, and the shifting priorities, short-term projects, and growing technical requirements on the part of international donors on the other. It is a moment of crisis in the sense that, more than 23 years after the Dayton Agreement, BiH remains mired in what many view as a fundamentally unsustainable status quo. Neither internal nor external actors appear to possess the will to take the first steps toward a BiH which would fulfill the conditions for EU membership. It is also a crisis of legitimacy for donor-supported NGOs, which became much more marked during the February-May 2014 protests, when NGOs were largely unwelcome. It is also a crisis of legitimacy in that the international donors who have created and supported the “NGO game” are simultaneously seeking to engage with a broader set of social actors, while also challenging the NGOs that implement their programs to be more accountable to citizens. Perceptions of legitimacy among citizens have only become more important so that donor-supported NGOs may effectively resist charges that NGOs are “foreign mercenaries” and counteract a shrinking civic space.¹ There is an opportunity for both donors and CS actors that desire change to learn from their experiences in order to generate more substantive impact.

This policy analysis aims to contribute to the improvement of donor policies’ impact on democratization. It is based on the author’s detailed research, which followed efforts by both NGOs, as well as activists, to achieve changes in government policies. The first contribution of this research is to bear down on the question of the legitimacy of civil society. Recent policy documents indicate a growing awareness and concern among donor agencies that implementing NGOs often have a low level of local legitimacy.² The academic literature has elaborated on the ways that

the very donor selection procedures and modalities of donor aid contribute to this low level of local legitimacy. The research described here looked at the advocacy efforts of NGOs that enjoy legitimacy among different groups (donors, citizens, and both citizens and donors). This comparison provides new answers to the question, In which way does donor support interact with legitimacy among citizens and politicians? Secondly, it asks, What resources do NGOs with differing levels of legitimacy bring to advocacy, and ultimately, What results are they able (or unable) to achieve? Although it sometimes appears intangible, legitimacy opens the doors to financial and other resources, with quite measurable effects. Finally, interviews with activists allow conclusions to be drawn about the legitimacy of different forms of CS activism and its connection to their (lack of) outcomes.

Donors are clearly aware of the need for CS involvement in order to foster popular constituencies for reform, democratization, and peacebuilding. The actual involvement of civil society in processes led by international actors, however, is often a rather pro forma affair which includes the “usual suspects” among donor-supported NGOs. This can be seen at a regional level in events related to the Civil Society Forum of the Western Balkans, as part of the Berlin Process. Without the meaningful participation of citizens and giving attention to their priorities, recent calls for “people’s needs to drive the Berlin Process” will ultimately remain shallow and ineffective. Despite what may be seen as good intentions on the part of this forum, the legitimacy its member think tanks enjoy among the broader world of civil society does matter. While regional integration and progress made during accession talks does require the expertise and research capacities of think tanks, policy expertise cannot exist in a vacuum because significant movement on issues concerning barriers to EU accession also requires attention to constituencies that can get the attention of politicians and build the necessary political will.

The ability of civil society to achieve results, whether through a more formal form like registered organizations or through activism, is fundamental to the pluralist idea that democratic governance improves in response to the pressure that is applied from below. The heady hopes of the period immediately after Dayton – that civil society

¹ “State of Civil Society Report 2018”; Maglajlija, “Nongovernmental Organizations in the RS -- Dodik’s Imaginary Enemy.”

² USAID, “RFA: Civil Society Sustainability Project in BiH”; EU DG Enlargement, “DG Enlargement Guidelines for EU Support to Civil Society in Enlargement Countries, 2014-2020.”

would apply this pressure – have, to a large extent, subsided. The academic literature has questioned whether donor assumptions that rights-based approaches and support for NGOs would strengthen bottom-up accountability, overcome ethnic divides, and, therefore, improve governance were ever realistic expectations. This analysis attempts to go beyond these positions of naïve optimism and resignation. It does so by focusing on an observation of NGOs and their efforts to create change by functioning as advocates with the government.

Donor-supported NGOs need to be distinguished from the broader group of recreational, interest-based, and religious civil society organizations (CSOs). One reason that this distinction matters is that grant amounts to CSOs from all levels of government are up to seven times greater than those given to NGOs through donor programs. Although financial and in-kind support given by citizens is lower in comparison to either donor or government support, it is an indicator of the perceptions of legitimacy among citizens. Having such support can increase accountability to citizens and their concerns, and, as a result, it gives these organizations a different quality and enhances their potential to foster change. This paper goes beyond the frequent characterization used in policy analysis by providing insights from evidence-based research on the combined effects of donor, government, and citizen support on the capacities and outcomes of civil society advocacy.

Recent donor programs demonstrate an adaptation being made in response to critiques of the legitimacy of supported NGOs. In particular, USAID and EU multi-year policy documents emphasize representation, credibility, and autonomy as necessary contributing factors for strengthening CS advocacy roles.³ These programs also reflect an adaptation in response to the gradual pace of change, in that they work over longer periods of time. Furthermore, they emphasize cooperation among NGOs by proposing issue-based and sectoral coalitions as the means to achieve improved governance outcomes. So far, however, it has been observed that such coalitions formed in response to donor calls are based on the financial interests of dominant (large, professional) NGOs at the expense of their wider membership base. This characteristic contributes to the short-term nature of the coalitions and shapes possible outcomes. Section two shows that while funding for civil society has increased instead of decreased, multilateral organizations are increasingly playing the role of recipients. Donors are largely dissatisfied with the performance of the NGOs they support and, as a result, are seeking to engage with new NGOs in new ways.

1.1 FOUR KEY QUESTIONS

The danger of legitimacy is that it has a certain “I know it when I see it” quality, which makes it hard to define and

even harder to measure. It is helpful to clarify that legitimacy often implicitly involves the following questions, Legitimacy perceptions among whom? and Perceived legitimacy for what? The potential of civil society for democratization mostly deals with perceptions of legitimacy among citizens, in terms of how their interests are being advocated among politicians. The research described here involved asking members of NGOs and their beneficiaries, those citizens most interested in a given NGO, and politicians, which NGOs have legitimacy in their eyes and why. Both citizens and politicians based their understanding of legitimacy on whether concrete problems have been solved by the organization. The reasons given by local actors as to why an NGO is considered legitimate or not overlap largely with those given by donors. Some of these similar reasons given by donors include the degree to which an NGO represents the interests of citizens, whether the staff of the organization comprises members of the affected group, and whether the perception of legitimacy is derived from the results that the organization is able to achieve. Yet, many locals are suspicious of the true interests and integrity of donor-supported NGOs. Section three presents their answers in more depth.

The second key question is, What effect do donor programs have on local legitimacy? This analysis will present evidence of two common academic explanations for the weak political effects of donor CS programs. The first argument is that CS strengthening programs have weak political effects because donors bring a neoliberal approach to change that is focused on the technical and expert analysis of problems, but which is divorced from political processes and, therefore, a priori apolitical. International policies have been built upon the foundation of democracy, civil society, and a market economy. In practice, though, the emphasis on privatization and reducing the size of government leaves little room for the goals that CS advocates might pursue. Finally, a focus on service delivery, in terms of donor understandings of CS, can supplant an alternative focus on campaigning for the government to provide those services.

The academic literature on the effects of donor CS programs, however, has also often advanced a second explanation for their inability to foster effective advocates. The second critique explains this weakness in terms of the low local legitimacy those advocates have. This analysis is based on how donor programs provide incentives for NGOs, which contributes to making them weak advocates. As was witnessed in Bosnia and many other similar contexts, many new NGOs were created in response to available donor funding, but with little local backing from the beginning. In addition, donor programs select these kinds of organizations, which also leads to the prevalence of NGOs with low local legitimacy. The selection often focused on NGOs skilled in donor lingo while overlooking grassroots institutions, religious organizations, trade unions, community organizations, traditional institutions, and informal networks. In broad strokes, the advent of externally-driven NGOs distracts citizens from a more

³ USAID, “RFA: Civil Society Sustainability Project in BiH”; EU DG Enlargement, “DG Enlargement Guidelines for EU Support to Civil Society in Enlargement Countries, 2014-2020.”

indigenous civil society.

In addition to these conclusions about donor preferences for NGOs that do not have existing local legitimacy, donor programs themselves may lead to a reduction in the local legitimacy of the NGOs that they support. CS strengthening programs have been found to contribute to low local legitimacy due to their focus on professionalization, which distances NGOs and puts them at odds with their (potential) constituency. Groups that are formed by citizens who unite for social or political change either receive little assistance or “NGO-ize” in order to become eligible for donor funding at the cost of further distancing themselves from the concerns of their supporters. Section four will describe these arguments and the research on the relationship between support among donors and among local populations.

Section five will consider differences in the methods used and possible outcomes of civil society advocacy based on three categories of legitimacy. The “donor darlings” are those NGOs that enjoy legitimacy among donors but not citizens. Accordingly, they infrequently use citizen participation as a means of advocacy and instead rely on direct engagement with politicians and officials. In some cases they have given up on advocacy altogether because they view government as inefficient and have become tired of pro forma outcomes that remain unimplemented. “Representatives” enjoy legitimacy among citizens but not donors. They are more willing to use citizen participation, including protest, but do so very strategically. However, the lack of donor resources within a political context that has grown accustomed to them limits their potential outcomes. Finally, perhaps the most interesting category includes those organizations that are supported by both donors and citizens. These “intermediaries” are able to achieve broader and more substantive outcomes because of their own legitimacy among citizens, as well as among “representative” organizations, which are often more grassroots oriented. Their ability to draw on diverse resources, including grassroots organizations and their members, ties to politicians, subject matter expertise, and international support, gives them increased leverage to achieve these outcomes.

Given the stuck status quo described above, analysts like Jasmin Mujanović see the way forward for civil society in BiH via broad protests and “extra-institutional struggles.”⁴ Here again, the question of legitimacy is relevant. Namely, the much-heralded “Bosnian Spring” protests of February-May 2014 clearly showed that NGOs were largely unwelcome. Activists struggled against both the dominance of unresponsive politicians, as well as international actors, who, in their view, co-opted and responded to the social justice demands of the protesters by creating more insecurity for Bosnian workers and further destroying jobs through privatization. Section six will examine the

potentials for and limitations of activism in more local struggles (for example, the recent “Justice for David/ Dženan” protests focused on police accountability in Banja Luka and Sarajevo).

The main findings section below will begin with an analysis of donor aid flows and how they have changed over the last 10 years. Next, it will address, in more detail, the four key questions that have been identified. This is followed by policy recommendations that answer the question, How can the design and implementation of donor programs for civil society be improved based on this research?

⁴ Mujanović, “Dismantling Bosnia and Herzegovina’s Fractured Authoritarianism.”

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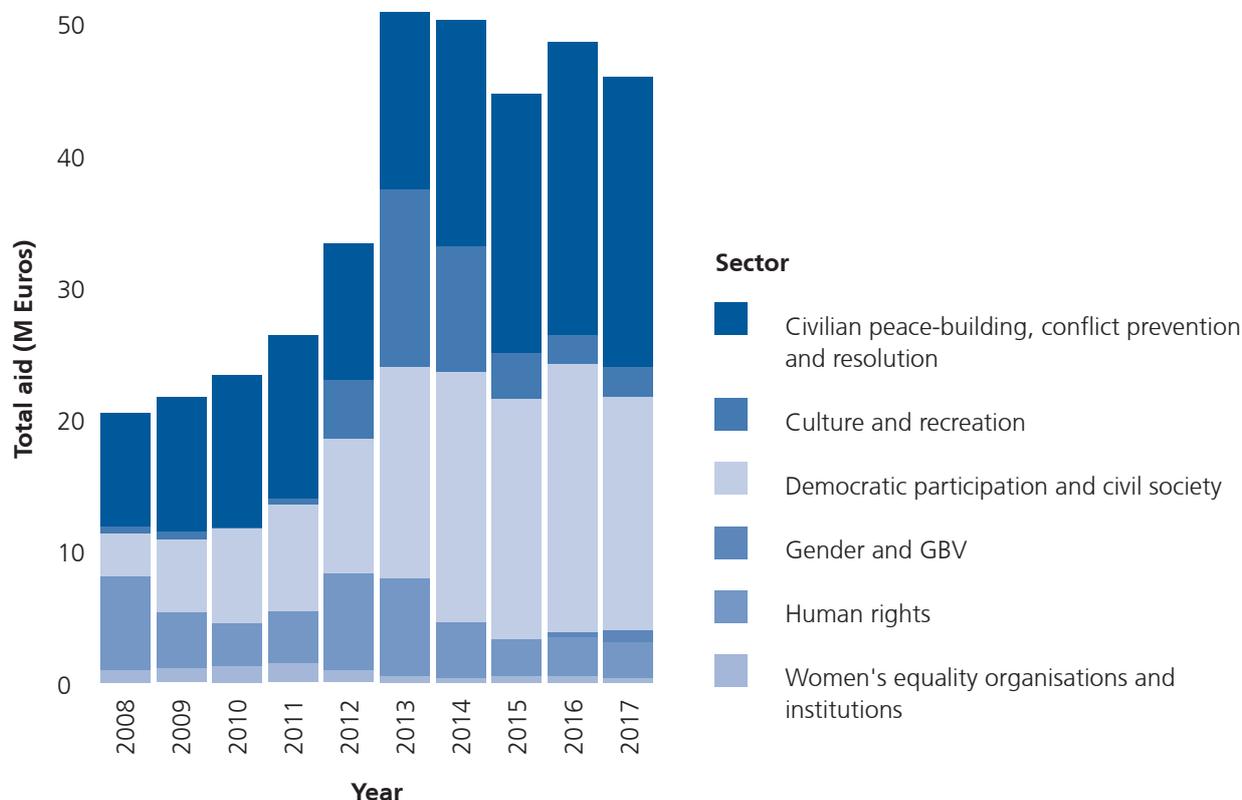
SHIFTS IN DONOR CIVIL SOCIETY PROGRAMS

Recent policy research has put forth the narrative that donor funding for civil society in Bosnia and Herzegovina is in decline, and, as a result, the EU will come to play a larger and more dominant role. However, the annual amount allocated for democratic participation and civil society increased during the period 2013-2017 from 15.8 million euros to 17.7 million euros (+12%).⁵ Significantly, funding for human rights activities has decreased from 7.5 million euros to 2.8 million euros. Over this same five-year period, total donor aid for a broader set of categories, including peacebuilding, human rights, and gender, all areas that

have traditionally been the “work of civil society,” has modestly declined (see Figure 1).

This same data, however, also reveals shifts in the types of implementing partners that were chosen. Funding for national NGOs in 2017 was 18.4 percent of the total, close to the 19.6 percent of 2013, despite an interim dip. There is a noticeable trend of declining support for international NGOs and increasing support for multilateral organizations, such as the International Organization for Migration and the UN Development Program (UNDP).

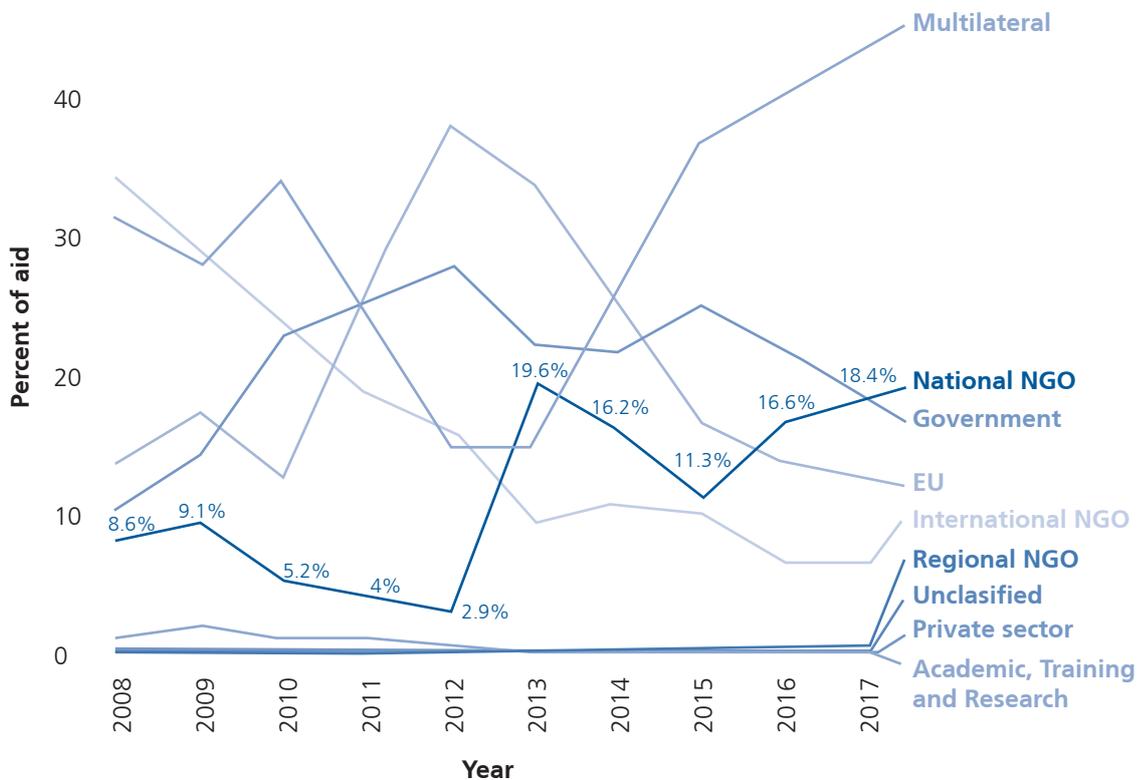
Figure 1
Donor aid in selected sectors 2008-2017



Based on the author's analysis of the International Aid Transparency Initiative database. Available online at <http://datastore.iatistandard.org/api/1/access/activity.xml?recipient-country=BA>.

⁵ Based on the author's analysis of the International Aid Transparency Initiative database. Available online at <http://datastore.iatistandard.org/api/1/access/activity.xml?recipient-country=BA>.

Figure 2
Allocation of projects by the type of implementer in selected sectors



Based on the author's analysis of the International Aid Transparency Initiative database. Available online at <http://datastore.iatistandard.org/api/1/access/activity.xml?recipient-country=BA>.

In 2017, multilateral organizations received 45 percent of the funding in these sectors. This supports perceptions among the NGOs that were interviewed that multilateral agencies are the ones receiving donor funds and not Bosnian NGOs. The latter are not totally excluded from these programs, for they are often beneficiaries and serve as secondary implementers due to their capacities as partners and local connections. This development appears to put them a step away from local ownership and a potentially vibrant civil society, in that Bosnian NGOs find themselves in an increasingly subordinate position, which weakens their potential to be actors in their own right.

The oft-mentioned perception of decreasing funds for civil society may be brought about by the termination of programs that offered smaller grants, which in turn led to fewer calls for proposals. Interviews conducted with major donor representatives point to an ongoing variety of approaches that include several broad themes.⁶

- The first is a dissatisfaction with the way that NGOs are donor-driven rather than being accountable to citizens, as well as their lack of cooperation with other NGOs and with the government. These factors are seen as contributing to weak outcomes.

- The second theme is that, as a result, some donors are seeking to engage with a broader range of social actors. In one case, this is being done by collecting information from many NGOs, including grassroots NGOs, about which organizations they rely on for assistance. Another donor is considering reaching out to NGOs, whose work is considered effective, in order to encourage them to apply for assistance.
- Finally, donors are aware that supported NGOs have a limited ability to mobilize citizens, either politically or in support of an NGOs' work. However, they remain committed to the importance of NGOs in improving Bosnian government outcomes. The following sections of this paper will examine some of the inherent tensions between donor programs that usually go unstated and the potential for more effective civil society advocacy.

⁶ Representatives of the Dutch Embassy, EU Commission, Open Society Foundation, SIDA, UNDP, and USAID were interviewed in November and December 2018.

3

WHAT MAKES NGOS LEGITIMATE OR ILLEGITIMATE IN THE EYES OF CITIZENS?

Before presenting the findings on what makes a given NGO legitimate or illegitimate, it is helpful to provide a common basis of understanding for identifying what legitimacy is, as well as for the vocabulary used to discuss an NGO and the factors that might make people consider an NGO legitimate. The following section will present the reasons BiH citizens give for considering an NGO legitimate or illegitimate, based on qualitative interviews and the constituent survey conducted by the author.⁷ These results show that the organizations considered legitimate by citizens are those that solve concrete problems. Donor-funded NGOs often struggle to build legitimacy because they are often perceived as lacking integrity and not yielding results.

3.1 DEFINING LEGITIMACY

Organizational legitimacy is derived from an organization's environment and can be defined as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions."⁸ Although legitimacy is both perceived and subjective, its consequences are tangible, in that they generate resources, material or otherwise, and affect the functioning of organizations. Finally, legitimacy is also relevant for activist struggles in building support among the population and in countering authorities' efforts to delegitimize activists.

The increasing use of legitimacy as a means of alternatively praising or critiquing certain NGOs often turns into a discussion of what it is that makes them legitimate (or not). These sources of legitimacy can be divided into three categories, which have been formed by considering why the audience might care about a given characteristic:

(i) Interest-based reasons derive from the results of what an organization does or the benefits that result from its actions. For donors, the results or the performance of an

organization are often the primary metric for measuring how the organization is viewed. Membership organizations may be judged according to the benefits that members derive from the organization. For many, an organization should represent its members, and its legitimacy depends on how well it does so. NGOs that don't have members may also derive legitimacy from the benefits they provide for beneficiaries and how they represent them.

(ii) The second kind of organizational legitimacy is based on its values. This is at the heart of the discussion by donors about NGOs that are (in their assessment) too "donor-driven" and not focused on a core mission. Dedication to a mission and vision appear frequently as a reason for selecting NGOs as an implementer. This dedication may come from the fact that an NGO's staff is representative of a particular group, for example parent-led organizations that fight for the rights of the developmentally disabled. NGOs may be considered legitimate because they work for issues that constituents consider important, i.e. they are "doing the right things." In interviews with Bosnian NGOs, internal democracy and accountability can be, and often were, identified as sources of their legitimacy. NGOs point out problems in society and give a voice to the marginalized, and this "moral voice" is what strengthens their legitimacy.

(iii) A more complex source of values-based legitimacy is the way that organizations conform to or resist the dominant ideas on how society should be organized. On this point there are two such ideas. The first, put forth by nationalist parties, is that ethnic identity should serve as the basis for organizing society, based on group rights and with nationalist parties serving as their defenders. The second contrasting idea is that of individual human rights, a liberal idea that forms the basis for much of the international intervention, including donor programs. Organizations are seen as legitimate based on the degree to which they adopt one of these major ideas. From this perspective, it is not surprising that donor-supported NGOs face significant resistance and may be considered illegitimate in an environment that is strongly shaped by nationalism.

The research on NGO legitimacy in practice, which will be described next, also showed support for several final ideas on what constitutes legitimacy. The last values-based one

⁷ Five youth and women's CSOs provided lists of members or beneficiaries from which 50 were randomly selected. Results are based on 189 completed surveys. See Puljek-Shank and Verkoren, "Civil Society in a Divided Society: Linking Legitimacy and Ethnicity of Civil Society Organizations in Bosnia-Herzegovina."

⁸ Suchman, "Managing Legitimacy: Strategic and Institutional Approaches," 574.

Table 1
Sources of organizational legitimacy

	Interest-based	Values-based	Traditional
Sources	Performance Benefits for constituencies Representation of constituencies	Mission & vision Shared background and values "Doing the right things" "Doing things right" (Internal democracy & accountability) Moral voice Stances toward dominant discourses (e.g. human rights, nationalism) Reputation of key staff (founders, leaders)	Fits into social structures or cultural traditions Status of being taken for granted

given suggests that it is the reputation of key staff which gives an organization legitimacy. Finally, NGOs can be considered legitimate because they have a long tradition. They may have existed for so long that they are taken for granted. These sources are summarized in Table 1.

3.2 LEGITIMACY ACCORDING TO BIH CITIZENS

Organizational legitimacy has been measured in BiH using ratings given by a few key informants from civil society through the use of focus groups, as well as through surveys conducted among the general population. In order to get as complete a picture of legitimacy as possible, the research described here focused on interviews with a wide range of actors (civil society, well-informed religious and media representatives, and politicians at different levels). This was complemented by a survey of constituents, who were either members, beneficiaries, or both. In this way, the opinions of those who care the most about a given organization were solicited.

Citizens frequently ascribed high local legitimacy to those CSOs that focus on "solving concrete problems" and address "everyday needs." Constituents rated the following interest-based factors as four of the top five factors that contribute to legitimacy:

- (i) Provides important services,
- (ii) has good results,
- (iii) represents its members/beneficiaries, and
- (iv) has professional skills and capacity.

Solving concrete problems, however, also has an important values-based component – Whose problems and which problems should be priorities? The reference locals made to "solving concrete problems" was also a critique of rights-based projects and the language of donor-supported NGOs. These were seen as promoting vague, grandiose norms rather than helping constituencies in their everyday struggles. The language of gender equality, human rights, Roma rights, and LGBT rights were seen as an insincere means by some NGOs to access donors and their resources. The low local legitimacy of these NGOs coincides with

a negative assessment of their results and their integrity. Although the term "foreign mercenaries" is clearly used to discredit those working for change, so as to maintain the status quo; nonetheless, it is used by politicians because they believe it enjoys a certain resonance among the population.

The perception among citizens that values promoted by donors are insufficiently concrete concerning everyday problems is most clearly illustrated when it comes to gender equality. Local interviewees supported the idea of gender equality, but felt that donor-supported organizations were not tangible enough and did not help individual women. A second challenge to the focus on "gender equality" was the perception that it had a lower priority in relation to other societal issues. While patriarchy may explain why this values-based goal was most often criticized, the broader delegitimation of initiatives and NGOs applying rights-based language points to an explanation of why donor-supported NGOs rarely have local legitimacy. Citizens often strongly critiqued the perceived lack of results produced by donor efforts and, by extension, the NGOs that are their most visible representation. This may help to explain why donor-supported NGOs face difficulties in attracting support even among more moderate and liberal elements of society.

The survey carried out among constituents also indicates characteristics of an organization from Table 1 that are not seen as relevant when considering legitimacy. Two pertain to an organization's legal status (that it follows legal obligations and is legally registered). This does not mean that they are unimportant; rather, almost all constituents indicated that the organization in question is registered and follows its legal obligations. Therefore, it does not correlate with how legitimate they think the NGO is. The least relevant point was "confronts political and economic elites." Together with the very positive responses for NGO results, this suggests that citizens value a collaborative and problem-solving approach more than a confrontational one. This is relevant for later sections, which will address whether protest is seen as an effective way for NGOs to achieve results. Citizens also gave traditional sources of legitimacy low ratings.

This same framework can be used to describe discussions about activist protests. In the 2008 Sarajevo protests, the

Table 2

Ranking of reasons given by citizens as to why an NGO is seen as legitimate

Source	Type	Relevance
Follows a mission & vision that I support	Values-based	0.59
Provides important services	Interest-based	0.51
Has good results	Interest-based	0.46
Represents its members/beneficiaries	Interest-based	0.45
Has professional skills and capacities	Interest-based	0.45
Works for the common good	Values-based	0.44
The good reputation of the staff/volunteers	Values-based	0.42
Follows the right procedures	Values-based	0.40
Opposes nationalism	Values-based	0.37
Has a long history within the community	Traditional	0.28
The staff of the organization is representative of its members or beneficiaries	Values-based	0.28
Members or beneficiaries receive personal benefits because of their work	Interest-based	0.25
Fulfills legal obligations	Values-based	0.22
Is legally registered	Values-based	0.17
Fits our society and cultural traditions	Traditional	0.16
Confronts political and economic elites	Values-based	0.13

Relevance based on Spearman rank correlation coefficient () (max of 1.0) between legitimacy assessments and ratings for sixteen statements derived from the sources of organizational legitimacy in Table 1.

protesters framed their actions in terms of the articulation of citizenship values, the local identity focused on Sarajevo rather than on ethnicity, and anti-politics (staying away from politics in order to resist corruption and political manipulation).⁹ In applying the legitimacy framework from Table 1 above, this framing relates to dominant discourses (“citizenship”), shared background and values (“Sarajevo identity”), and a moral voice (“anti-politics”). The authorities responded by discrediting counter-frames, labelling protesters as an uncivil and violent mob directed by political parties and supported by foreigners. These responses, which intended to delegitimize the protests, can be analyzed in relation to “doing things right” (“uncivil and violent mob”), as well as a “moral voice” and “representation” (“political direction” and “foreign-controlled”). The findings of this research as it relates to more recent protests will be addressed in detail in Section six. The following section will focus on the reasons given in the academic literature as to why donor support reduces the legitimacy of supported NGOs in the eyes of citizens.

⁹ Touquet, “Non-Ethnic Mobilisation in Deeply Divided Societies, the Case of the Sarajevo Protests.”

4

HOW DOES DONOR SUPPORT INFLUENCE LOCAL LEGITIMACY?

This section builds on the understanding of what NGO legitimacy means for citizens, and looks at two perspectives on why donor-supported organizations are perceived as legitimate or not. The first considers the academic research which has argued that, the way donor programs are designed and NGOs are selected has the collective effect of reducing legitimacy of supported NGOs among citizens. However, this is not absolute and the next section discusses research that has been done in BiH on successful strategies some NGOs have used to build their legitimacy.

4.1 DONOR SUPPORT REDUCES LOCAL LEGITIMACY

This section will address the conclusions academic research has come to concerning the effects of donor support. The first argument is that the way in which donors select the organizations they plan to support results in low local legitimacy for the selected organizations. The second argument is that the collective effect of donor programs creates incentives for the formation of new organizations that are motivated by donor funds, and pushes receiving organizations away from existing supporters.

The premise of the selection argument is that donor programs have used the nonprofit and nongovernmental criteria, which focused on “professional” NGOs, while overlooking grassroots institutions, religious organizations, trade unions, community organizations, traditional leadership institutions, and informal networks. These criteria have become so embedded in Bosnian civil society that it is hard to imagine that other choices for program design are even possible. In a critical assessment, donor civil society programs are “pretending to build ‘new’ societies while excluding the large majority of their members.”¹⁰ In addition, these selection criteria favor apolitical organizations that are focused on delivering services and are removed from politics, thereby reducing their ability to achieve substantive change. We will return to this in the following section, which discusses the ways that donor support affects the ability of NGOs to serve as advocates.

It should not be considered controversial to conclude that

donors are looking to support multi-ethnic organizations in BiH. During interviews, the staff of faith-based organizations have indicated that they have difficulties securing donor support because there are perceptions that they are mono-ethnic. Organizations that enjoy legitimacy at the local level may be divided along ethnic lines – as is the case with unions and interest groups which are almost exclusively divided between Republika Srpska (RS) and the Federation. Part of the reason why donor-supported NGOs have low local legitimacy may be a result of this criteria. Donor-funded NGOs can have lower local legitimacy because they are seen as emphasizing rather superficial forms of integration (for example, counting participants and quotas based on ethnicity). Citizens are resistant to the idea that ethnic biases are the source of Bosnia’s development problems, and this is reflected in their dismissal of donor-funded NGOs, which they see as propagators of this idea.

The academic literature has also elaborated upon the collective and long-term effects of donor programs. For example, the availability of donor funding incentivizes the creation of new organizations. This trend was certainly visible in Bosnia, which witnessed the mushrooming of new organizations. These new organizations often struggle to receive local backing as a result of their limited longevity. This problem was further exacerbated by the perception that the new NGOs were not created for the common good but as a source of income. In addition, when groups do form to promote social or political change it is either impossible for them to receive assistance as informal groups, or else they need to register themselves and pursue a professional model in order to receive donor support. Learning donor lingo and fulfilling all of the reporting requirements takes time away from strengthening relationships with (potential) constituencies. Because resources come from donors and not from citizens, accountability flows in the direction of donors. Positions with NGOs become better paid than comparable business jobs and the long-term result is that their staff cannot credibly relate to the economic challenges and insecurity of many citizens on a personal level. As a result, the staff either look down on others or are perceived to be elitist. Despite the types of long-term change desired by many, there is the need to pursue shifting donor priorities and short-term projects, which serves to further isolate successful NGOs from their constituencies.

¹⁰ Pouligny, “Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building ‘New’ Societies,” 504.

Finally, donor programs can also reduce the ability of supported NGOs to achieve desired outcomes. Competition between organizations reduces or eliminates trust and limits their ability to work together to achieve better outcomes by collaborating. When donors provide incentives for NGOs to work together in issue-based coalitions, which is done by both USAID and the EU, these forms of “forced collaboration” can be quite transactional and short-term, rather than being based on common values and solidarity. Moreover, the NGOs are susceptible to conflicts arising between the institutional interests (self-preservation and visibility) of a coalition’s lead organizations and the interests of its other member organizations, which is detrimental to their ability to stimulate joint action.

4.2 HOW DONOR-SUPPORTED NGOS BUILD LOCAL LEGITIMACY

This section will present the research findings on how, despite the prevalence of low local legitimacy discussed earlier, some donor-supported NGOs do manage to build local legitimacy. This is important because it shows that the findings above are not so absolute. In addition, it provides some contextually appropriate strategies that may be relevant for others.

Nine NGOs were identified based on multiple indicators of support among donors (grants, being featured in donor reports) and citizens (interviews, volunteering and financial support). The organizations within this group were based in different cities and focused on youth, women, and social welfare. Yet, they had three common characteristics:

- (i) Each was engaged in “solving concrete problems” (largely, but not exclusively, service provision) and activities took place over a period of at least five years.
- (ii) They were engaged in advocacy that focused on institutional change.
- (iii) Finally, in all but one case, they offered spaces for citizens to gather.

“Solving concrete problems,” advocacy, and local geographic spaces reflect the oft-mentioned sources of local legitimacy derived from both an interest base (“performance” and “representation”) and a values base (“doing the right things” and “mission and vision”). These approaches build upon a common focus that is shared by donors and citizens, and that is to achieve results.

In addition, these NGOs that enjoyed support among both donors and citizens often functioned as intermediaries between donors and other local actors; they had sufficient funding from donors, yet they could partner with a broader range of organizations that enjoyed local legitimacy, but received no support from donors (for example, organizations with a membership or grassroots base). This characteristic gave them more autonomy and allowed for greater potential impact.

One strategy pursued by several of these NGOs was to foster “straddler” institutions, which have characteristics of both CS and a state. One such case is youth councils. Created by KULT (an organization that successfully lobbied to have them included in laws concerning youth), the youth councils helped to overcome politicians’ objections that providing support for youth organizations’ activities would mean picking favorites, since politicians are tasked with representing the broader public interest. Another example would be the domestic violence shelters that were established as state-funded and state-regulated facilities, even though they are actually NGO-implemented institutions. The “straddler” institutions have a legal mandate and receive state funding, but they also fall under the “moral voice” and “doing the right things” categories of legitimacy that relate to NGOs. These intermediaries can successfully navigate an environment dominated by powerful donors and local actors in order to obtain support from both, despite often divergent notions of legitimacy.

A final strategy used by NGOs concerns how they relate to ethnic division. Research on whether NGOs are mono-ethnic or multi-ethnic has revealed that few NGOs are either very explicitly ethnic or very explicitly multi-ethnic. NGOs can be perceived as ethnic because their staff is made up predominantly of one ethnicity, or because they only work in a territory where one ethnicity has the majority. Civil society is a product of the ethnically divided society it is a part of. Given this reality and the expectations of donors that the supported NGOs should be multi-ethnic, some organizations build legitimacy through an approach termed “ambiguous ethnicness.” This means giving contradictory indications to different audiences; for example, human rights organizations which focus on RS or Bošnjak-majority areas of the Federation. “Ambiguous ethnicness” may be achieved by avoiding overt ethnic identifications (terminology, symbols), by not being openly anti-nationalist and working only in territories that have a particular ethnic majority.

Donor programs have also adapted in order to help NGOs build their legitimacy. USAID’s 2013-2018 Civil Society Strengthening Program included surveys of citizen perceptions of supported NGOs. The NGOs received individual reports and support in order to strengthen their communication with citizens. Similarly, EU support emphasizes the need for professional public relations efforts. The question is, To what extent are these efforts effective if their focus is on one-way communication from the NGOs to citizens, rather than on fundamentally reorienting NGOs toward citizens and their concerns?

This subsection has presented research about intermediaries, e.g. donor-supported NGOs that have managed to build local legitimacy. This is possible by combining what citizens see as efforts that solve concrete problems on the one hand – such as providing operating spaces like youth centers and shelters for citizens – and advocacy efforts that influence policy on the other. This may not be a universal formula for building legitimacy, but it does indicate that

certain NGOs who have sought to build their legitimacy have found quite similar ways to do so. This suggests that providing services and advocacy are not an either/or choice, but are complementary. In addition, some NGOs have successfully built local legitimacy by fostering “straddler” organizations that take some of their characteristics from civil society and some from government. Lastly, quite a few of these organizations use “ambiguous ethnicness.” The next section will discuss how NGOs that have support among both donors and citizens have been able to achieve some of the most substantive advocacy outcomes.

5

HOW DO NGOS GO ABOUT INFLUENCING POLICIES AND LAWS?

The first question that needs to be asked about having influence on policies and laws is whether this means formal outcomes (for example, passing a law) or substantive outcomes (for example, allocating money for implementation or passing the necessary supporting regulations). One of the critiques of donor programs that was frequently heard was that they are satisfied with formal but superficial outcomes (simply put, “dead letters on a page”).¹¹ Creating substantive outcomes involves a much longer process (in some cases, taking more than a decade) that requires persistent action. Even implemented legal changes are often not secure but require ongoing action to defend what has been won. This section will explore the ways that NGOs go about achieving policy changes in such an environment. Is there a potential for NGOs to use the power of democracy by mobilizing citizens in order to achieve change? Many NGOs report that, in order to yield results, the mobilization of citizens needs to be accompanied by subject expertise, relationships with politicians or bureaucrats, and, in some cases, international diplomatic support. It is the NGOs that are able to receive support from donors and from among citizens that manage to achieve the broadest and most substantive results.

5.1 PARTICIPATORY OR TRANSACTIONAL CAPACITIES?

The experiences of Eastern European countries are relevant for understanding how Bosnian NGOs can (or cannot) influence policies and laws. The historical legacy of communism in Eastern Europe was found to be a key reason for why CSO membership remained so low, in comparison to other regions, and how this led to the “weakness of civil society.” However, more recent research on political mobilization by NGOs in Eastern Europe has also found that low levels of individual participation and membership do not inherently limit NGO capacities and their ability to achieve results. Rather, this research suggests that an analysis of their “participatory capacities” to mobilize citizens should be complemented by an examination of their “transactional capacities,” based on “ties – enduring and temporary – among organized non-state actors and

between them and political parties, power holders, and other institutions.”¹²

Few NGOs receive significant financial contributions from a membership base, nor do they draw on this base for volunteers. Nonetheless, NGOs that enjoy legitimacy among citizens do draw on citizens, i.e. use their participatory capacities. Besides the use of protests that have specific goals, they also tend to engage citizens in government consultations more often. However, such organizations frequently use these capacities strategically and cooperatively rather than through confrontation. In addition, despite the pessimism toward democracy in BiH, politicians do pay attention to the opinions of citizens at particular moments. Organizations that can get citizens onto the streets or get them to show up at events like local urban planning meetings are able to have more influence. The potential of citizen participation is a question that is taken up at more length in the following section. The first key takeaway, however, is that citizen participation in and of itself is rarely enough. Instead, successful examples of advocacy often combine participation with technical expertise and constructive relationships with politicians.

The critique that donor NGO programs have weak or even negative effects on democratization holds that they have focused on technical rather than political approaches to fostering change. This means, for example, there is expert analysis of problems and solutions are proposed, but stakeholder groups and political parties are not engaged to create the will to implement the changes. This research has shown that expertise does play a significant role in successful advocacy. However, it is the type of expertise that is often not recognized by donors. An example is MeNeRaLi, an umbrella organization that stresses how it represents the parents of developmentally disabled individuals who make up its 29 local chapters throughout RS. MeNeRaLi was able to apply its expertise in parliamentary procedures and knowledge of inconsistencies between laws in order to advocate for their members. In addition, they gathered data regarding their developmentally disabled

¹¹ See Puljek-Shank, “Dead Letters on a Page? Civic Agency and Inclusive Governance in Neopatrimonialism.”

¹² See Howard, “The Weakness of Civil Society in Post-Communist Europe”, for research on membership levels. Definition of transactional capacity taken from Petrova and Tarrow, “Transactional and Participatory Activism in the Emerging European Polity: The Puzzle of East-Central Europe,” 79.

beneficiaries, which was recognized and sought after by the government. Some women’s organizations were similarly recognized for their expertise in issues related to protection from gender-based violence, and, as a result, were invited to join government consultations. More broadly, NGOs that enjoyed high legitimacy among citizens showed broader knowledge of state policies and institutions and were more commonly accepted as partners by the government. The implication for donors is that they need to better recognize the forms of technical expertise that make a difference for successful advocacy and support legitimate NGOs in acquiring such expertise.

In general, the CS actors that were researched believe that advocacy outcomes are more common when these actors engage in constructive ties with politicians and bureaucrats. The transactional label emphasizes their short-term nature. But these interactions also depend on developed relationships with people within government. In an environment characterized by a lack of trust, NGOs and politicians must get to know each other before they become willing to work together. Elected politicians can get positive press coverage from something that addresses a perceived need among the community. However, if the benefit is perceived as simply being PR (for example, promises of support for youth organizations in a municipality that are not fulfilled until the next election), NGOs learn not to engage by lending their time and credibility again the next time around.

5.2 LEGITIMACY AND ADVOCACY OUTCOMES

The author’s research on the connection between legitimacy and advocacy outcomes was carried out by comparing three categories of organizations: “representatives,” “intermediaries,” and “donor darlings.” Cases were chosen from each category if there were multiple consistent indicators of a certain kind of support. For example, high legitimacy among citizens indicated multiple forms of voluntary contributions and volunteer activities. While much of the policy literature focuses on two categories of NGOs – “professional” and “grassroots” – this research indicates that some organizations manage to receive donor support while also building local legitimacy. This subsection examines what these categories mean for the ways in which organizations advocate certain policies and the outcomes they are able to achieve.

(i.) “Donor darlings” gained the support of donors but had low legitimacy among citizens. Surprisingly, these organizations rely less often on expertise as a form of advocacy than others. Moreover, when formal outcomes were not implemented, they often withdrew from advocacy efforts. They pursued their goals through means other than advocacy and were limited, rather than strengthened, by their expertise. Although they demonstrated some forms of expertise, this was not applied to successful advocacy. When they engaged citizens it was often quite pro forma (for example, the use of petitions as a one-off event rather than as part of an ongoing pressure campaign with specific policy goals attached). Such events look at many citizens as a type of “participation theater,” in the sense that there is little conviction that they can lead to policy changes.

(ii.) The “representative” NGOs had strong support among citizens but rarely received donor support. In many ways they serve a representative role for citizen interests, a role assigned to them by some civil society theories. They respond more often and with more engagement when invited to join government consultations. They are also participatory in that they are willing to engage in protest, even though they approach this option very cautiously and strategically in order to increase the chances of achieving their desired outcomes. However, their lack of donor funds limits the extent to which they can advocate with government agencies and politicians who are used to donor-supported forms of advocacy. Some of these donor-funded benefits include extra funds to implement new initiatives without having to make hard choices, donor-enabled media visibility and the perks that come with donor projects. As a result, they tend to set very modest and incremental goals.

(iii.) “Intermediary” NGOs are able to achieve broader and more substantive outcomes. In the case of youth organizations, this was based on the recognized role they played in passing the Laws on Youth in the Federation and RS, which created youth councils and led to new policies and budget allocations at the municipal level and (to a varying degree) higher levels of government. In addition, intermediary women’s NGOs led to continued state funding for domestic violence shelters, the criminalization of domestic violence, and improved responses to victims by state institutions.

Table 3
Three helpful categories for looking at NGO advocacy outcomes

	Donor-supported	Not donor-supported
High legitimacy among citizens	Intermediaries (14 cases)	Representatives (9 cases)
Low legitimacy among citizens	Donor darlings (4 cases)	No examples found

Puljek-Shank, “Civic Agency in Governance: The Role of Legitimacy with Citizens vs. Donors.”

In comparison to the other categories, they are more effective at pursuing broader goals by serving as active intermediaries between donors and local actors. One reason they are able to achieve these outcomes is because they bring donor finance and symbolic resources. They also function as intermediaries by mobilizing “representative” smaller, grassroots, and membership-based organizations. Many of the successes of CS advocacy have occurred through a combination of ties to politicians and the use of subject matter experts (both of which are examples of transactional capacities) and international support. The intermediaries are better positioned to bring together diverse resources, including citizen participation. In addition, both collaboration and their own legitimacy among citizens strengthen their legitimacy in the eyes of political actors and, therefore, enhance their ability to achieve outcomes. In short, more often they are able to successfully navigate their environment in order to achieve support from both donors and diverse local actors.

6

CIVIC ENGAGEMENT AND POPULAR PROTEST – POTENTIALS AND LIMITATIONS

The brief hope for a “Bosnian Spring” in 2014 and the ongoing civic energy around selected local issues have led some observers to emphasize activist rather than NGO approaches in order to foster change. In public discourse, the decline of the protests and plenum activity of May 2014 have been viewed as a failure of these activities to lead to substantive outcomes. This research shows that citizens are skeptical of the effectiveness of popular mobilization in achieving concrete political changes and there is a more visible rejection of NGOs by citizens. It is in this light that the question of how activists have attempted to build their legitimacy among citizens is examined. One of the reasons that the protests and plenums stopped is that activists and citizens alike turned their attention to addressing the pressing needs throughout the country that arose as a result of the historic May floods. While temporarily losing visibility and civic energy on a national or entity level, the flood response points to a broader trend of “going local,” which has helped post-2014 activists establish popular legitimacy via local struggles that have a broader symbolic meaning.¹³

6.1 LESSONS FROM 2014

For a moment in 2014, the economic concerns of citizens came to the forefront. Citizens took to the streets in multiple cities across the Federation, upending the dulling monotony of ethnic squabbles and elite benefits. Moreover, the passive position that had long been ascribed to BiH’s citizens was discarded, and a new-found solidarity was experienced through direct democratic participation in plenums. The open plenums were public spaces for formulating the collective demands they had for government and constituted an alternative public sphere where it became possible to publicly criticize ethnic elites in a new way.

In addition to the new scope of the protests and experiencing direct democracy, the focus on social conflict and demands for social justice were also novel for post-war Bosnian protests. Social justice was understood as the guiding motivation for the 2014 protests, most famously expressed by the slogan “we are hungry in three languages,” which was carried as a prominent banner. Social justice was made

concrete through demands for the reduction of benefits for political actors, the restoration of state control over privatized companies, prosecution for economic crimes, and the articulation of everyday economic concerns.

What has received less attention is the stance of NGOs and the relationship activists had with international donors and diplomats and the NGOs they supported. What soon became apparent was that the overwhelming majority of donor-supported NGOs did not visibly support the struggle, neither materially nor morally. Given that many had been working on democratizing society for 20 years, it is surprising that they shied away when finally, thousands of people participated in a deeply democratic way. The feeling was mutual. Many activists voiced suspicion and even outright hostility toward the NGOs, banning them from participation. This was a new stance adopted during the 2014 protests, and activists attributed this to what they had learned about the negative impact visible identifications with NGOs had had on popular legitimacy in the “babylution” protests of 2013.¹⁴

International actors repeatedly attempted to frame the uproar and subsequent plenums as “civic”—highlighting issues of corruption, the rule of law, and human rights while omitting substantive political demands for economic redistribution, the investigation of privatizations, and more social services. The “civic” label was widely rejected by activists and seen as an attempt to guide them onto well-trodden apolitical paths, taming their potential to constitute a threat to the economic and political order. Many activists similarly rejected repeated requests by international actors to form an NGO or a political party. They viewed such a step as one that aimed to create a unified actor that could be co-opted and steered, with an agenda that was cleansed of transformative goals. This factor led to the fracturing of the post-2014 movement – between more pragmatic initiatives and more left-leaning groups who drifted apart mainly over their stances toward international actors.

The dual nature of this struggle became clearer in 2014. Activists operate under the dominance of a corrupt and

¹³ Puljek-Shank and Fritsch, “Activism in Bosnia-Herzegovina: Struggles against Dual Hegemony and the Emergence of ‘Local First.’”

¹⁴ Activists reported that NGO banners reduced their legitimacy among citizens because they felt they were being turned into a project through which the NGOs could demonstrate results and benefit financially.

exploitative system, which denies and undermines the potential for democratic change whenever possible. But they also operate under the dominance of international intervention, which they perceive as supporting the status quo. According to political scientist Antonio Gramsci, dominance is clearly about economic and political power, but also about creating acceptance for the way a system works and how political struggles can be waged – it's all about who establishes the "rules of the game."¹⁵

The Compact for Growth initiated by Germany and the UK illustrates the difficulty of this dual struggle. Submitted as a reaction to the protests of 2014, this initiative practically served foreign interests by glossing over the previously-held principle of EU conditionality, while, yet again, rewarding established political parties that were eager to claim progress on stances toward EU accession. The few policy changes that were made contradicted the demands for social justice that had been voiced during the protests and plenums, instead resulting in neoliberal remedies for a stagnating economy – further liberalization and less protective labor laws. While objecting to its contents, activists were neither able to build alliances with opposition political parties nor with other CS actors, such as unions, which actively opposed the initiative. International actors managed to hijack the publicity the plenums had stirred up internationally in order to pursue their own goals of further neoliberal reforms.

Despite optimistic early analyses that the events of 2014 pointed toward a potential to "reclaim the political," interviews with key activists and a review of plenum documents point to the persistence of anti-political stances through the lack of willingness to talk to elected officials, parties and institutions, and in calls for "expert" governments. Anti-politics is based on the understanding that since politics (politika) is inherently corrupt, the best way to maintain popular legitimacy is to avoid any contact with it. Other anti-political actions by the plenums included restricting the participation of those who had experience in local government and international organizations, which limited potential constituencies. The persistence of anti-political behavior isolated the activists and kept them from developing alliances and engaging in political discussions with parties and institutions.

The author's research shows that many activists came away from the experiences of 2014 with a renewed interest in addressing concrete citizen concerns at a local level as a long-term strategy. The following subsection will describe this strategy and its implications.

6.2 THE "LOCAL FIRST" STRATEGY

Developments since 2014 have shown the continued growth of a "local first" approach to activism that is focused on concrete issues that concern citizens at a local scale. In many ways it is a bottom-up, community

development-oriented understanding of change. The first critical issue is whether these efforts lead to successful outcomes, because without results, participating citizens can draw the conclusion that there is no point in engaging in or supporting such efforts. In fact, there have been some important wins since 2014. The second critical issue is whether these local efforts can "add up" to a larger and stronger movement. At this point, it may still be too early to tell.

Since 2014, "local first" strategies can be seen in struggles at the local level, such as supporting the re-opening of the Dita factory in Tuzla and the National Museum in Sarajevo. Such struggles were also successful in preventing the closure of one hospital and the exploitation of the River Una for a hydropower plant. Activism in Banja Luka pushed for the establishment of the "Banja Luka Recreational Zone" and involved citizens and associations as co-creators. Each of these acts, while being local in scope, also held symbolic meaning that resonated with the wider demands of 2014, but, this time, some went beyond simply demanding change to actually producing change by themselves. The re-opening of Dita sent a particularly strong signal across BiH: A company that was privatized, stripped of assets and driven into criminal bankruptcy, was saved by workers who organized themselves after years of public struggle. Activists protesting the decay of public institutions in Sarajevo were able to provoke public outrage over the lack of social and cultural services and force the bureaucracy to take action. Again, while being local in scope, these struggles also denounced perceived wrongs at a more abstract level.

"Local first" also highlights the continuity between the protests and plenums and the responses to the devastating floods of May 2014, which contributed to their disbanding because activists perceived an emergency that required immediate and sustained action. On the surface, the shift from protests and plenums to the emergency flood response appears to be a retreat from "the political" to offering charity. However, Mujkić's analysis supports the continuity of actors and strategies between the protests and flood response, and highlights similarities in their lack of public leadership, a flat organizational structure and assemblies with open participation, a tendency to bypass and distrust political institutions and the reclaiming of public spaces.¹⁶ Rather than being a retreat from the political, the flood responses contributed to a strengthening of "local first" approaches, in that they responded to concrete needs, while dismissing minimally democratic institutions and reaching across ethnic lines.

Does the "local first" strategy used during recent protest events indicate a growing potential for the creation of new political energy and an ability to avoid the anti-politics trap? Activists caution that the "Justice for David/Dženan" protests in Banja Luka and Sarajevo need to stay focused

¹⁵ Gramsci, "Selections from the Prison Notebooks of Antonio Gramsci."

¹⁶ Mujkić, "In Search of a Democratic Counter-Power in Bosnia-Herzegovina." the author offers a view in which the ethno-nationalist structures of Bosnia and Herzegovina (BiH)

on these concrete issues until they have been successfully addressed; otherwise, they risk being discredited in the eyes of citizens. This is a reminder that, in the first place, “local first” is a pragmatic strategy that has been adopted in response to the social and political reality of activism in Bosnia. However, it includes diverse approaches that are divided by questions of purity, persistent echoes of anti-politics, and questions about formalization and cooperation. The potential of this shift toward the local lies in the degree to which it is not conclusive; rather, it represents a temporary strategy that allows for continuous struggle in the face of adverse conditions and the highly diverse makeup of this relatively new form of citizen power. For example, there have now been numerous cases where citizens were killed and the failure to seriously resolve these cases and the resulting impunity of the perpetrators has been a strong motivation for sustained activism. There would seem to be fertile ground for a broader movement against impunity, as long as it remains tied to the unfortunate victims and those close to them.

7

RECOMMENDATIONS

The aims of this policy analysis were to contribute to an improvement in donor policies in order to increase their impact. At the same time, it has drawn on lessons learned from the efforts of NGOs, as well as activists, to make changes to government policies. This moment presents an opportunity because donors indicate that they are increasingly interested in increasing legitimacy of the NGOs that they support among citizens, as well as the NGOs' members and beneficiaries. This reflects a broad emphasis on representation, accountability, and the autonomy of civil society actors in order to strengthen constituencies that support reforms.

RECOMMENDATION 1 IMPROVE METHODS FOR ASSESSING THE LEGITIMACY OF IMPLEMENTING NGOS SO THAT MORE LEGITIMATE NGOS CAN BE SUPPORTED

This paper has described how donor selection processes and incentives for funding have collectively contributed to a group of donor-supported NGOs that have low legitimacy among citizens. To date, donor efforts regarding legitimacy have focused on supporting NGOs in order to strengthen their legitimacy via communication and public relations campaigns. However, legitimacy cannot be built quickly; rather, it is established slowly through long-term engagement with stakeholders. This requires paying more attention to the real concerns of citizens and their opinions on the NGOs themselves. Since legitimacy affects impact, it should be a performance criteria (as well as other types of criteria) for NGO selection. However, donors rarely have adequate information about the legitimacy of potential applicants. This is because they interact with a limited variety of organizations that have a vested interest in promoting certain NGOs. In addition, selection processes are often averse to the perceived risk of partnering with unknown NGOs, which strengthens the "usual suspects" effect. Three methods that have been used for assessing NGO legitimacy are (1) making field visits to see end users, (2) commissioning independent research, and (3) convening an independent advisory board.

RECOMMENDATION 2 ACTIVELY SUPPORT COALITIONS FOSTERED BY "INTERMEDIARY" NGOS (THOSE HAVING LEGITIMACY IN THE EYES OF BOTH CITIZENS AND DONORS) BECAUSE THEY ARE MORE EFFECTIVE ADVOCATES

Several current civil society programs have adopted an approach of focusing on sectoral or issue-based coalitions. This research shows that NGOs that enjoy legitimacy among citizens and donors are better able to mobilize member-based and grassroots organizations, allowing them to achieve broader policy outcomes. The identification of intermediary organizations matters because they are less focused on the interests of the central organization or network secretariat and are more focused on strengthening the respective members. Coalitions led by "intermediary" NGOs can better contribute to donor goals of increased representation, credibility, and autonomy. However, identifying such coalitions requires time from dedicated staff. Diplomatic and symbolic support can also foster greater outcomes, as will be discussed in the next two recommendations.

RECOMMENDATION 3 DEDICATE STAFF TIME AND FUNDS TO IDENTIFYING AND RESPONDING TO MORE ORGANIC INITIATIVES, REGARDLESS OF THE FOCUS AREA AND SCOPE OF ACTIVITIES, RATHER THAN USING SIMPLY TOP-DOWN DESIGNS

Donor staff are frequently occupied with program planning and administration. Identifying organic civil society initiatives that enjoy a high degree of legitimacy and local ownership requires intentional effort and staff time, which many agree should be done, but it is not as high a priority as other tasks. Such a focus is emphasized in the EU Guidelines, which call for "moving away from project-based support to a more flexible approach that fosters partnership and coalition building." For example, the Open Society Foundation has created an ongoing program with the goal of identifying and supporting citizen initiatives. This requires a long-term focus and the ability to provide modest funding without stifling local commitment and ownership.

RECOMMENDATION 4 SHOW MORAL SUPPORT (ISSUE STATEMENTS, HAVE A PRESENCE) FOR CITIZEN CONCERNS

NGOs and CS activists seek statements from both donors and diplomats that reflect clear and consistent principles and standards. Foreign statements are most effective when issued in a strategic way (multiple embassies, key issues). This includes providing support for the outcomes of supported projects. However, assessing which problems citizens care about, which are considered concrete and can, therefore, contribute to legitimate initiatives involves a value judgement about priorities. Such statements of support are of particular importance when protesters face retribution, in the form of fines or by losing their jobs, as happened in 2014 and, more recently, in the retributions that fell during the “Justice for David” protests.

RECOMMENDATION 5 MAKE BROADER USE OF LESSONS LEARNED BY NGOS THROUGH THEIR ADVOCACY EXPERIENCE WITHIN CAPACITY-BUILDING PROGRAMS

Civil society faces a paradox – on the one hand there is a widespread perception that the advocacy capacity of NGOs is low, while at the same time there have been ongoing capacity building efforts for the past 20+ years. Part of the reason may be that capacity building began with an understanding of the advocacy imported from Western and more established, democracies. Some donor-funded efforts engage citizens in a superficial way, which is perceived as “participation theater” and can be detrimental to deeper democratic engagement. This research has indicated how successful advocacy relies on other capacities, in addition to mobilizing citizens. Capacity building could be strengthened by building more on learning contextualized lessons from successful advocates. The following recommendation illustrates this point.

RECOMMENDATION 6 RECOGNIZE THAT THE INTERRELATIONSHIPS BETWEEN CS AND THE GOVERNMENT ARE OFTEN KEY FACTORS FOR ACHIEVING DESIRED OUTCOMES

Rather than only emphasizing the role of citizen participation in achieving desired policy outcomes, experiences from NGO advocacy show that a combination of citizen engagement, positive relationships with politicians, technical expertise, and donor support are often necessary for achieving substantive outcomes. As a result, successful advocacy is more often incremental and cooperative rather than set on pursuing transformational goals. Donors could benefit from a better understanding of how their own programs shape opportunities for advocacy in substantive ways. This calls for improved communication among donor agencies and between their different implementing agencies, as well as for the inclusion of regular CS consultations on program design, based on best practice recommendations.

RECOMMENDATION 7 ENCOURAGE LOCALLY LEGITIMATE ACTORS TO IDENTIFY THE ROOT CAUSES AND STRUCTURAL DRIVERS THAT CAUSE OR REINFORCE THE ISSUES AND PROBLEMS THEY ARE SEEKING TO REMEDY

The research cited in this analysis frequently pointed to the limits of what civil society actors and donors can achieve, given the frozen conflict in Bosnia and Herzegovina and the Dayton constitutional structure. For example, many civil society programs focus on bringing together youth from different ethnic groups. Academic research, however, has concluded that such programs rarely have a measurable impact because they are working against the primary institutions of socialization, such as schools and religious communities, which are divided. Mixed summer camps and after-school activities may be individually transformative, but the participants return to divided communities that reinforce divided narratives rather than joint ones. Such programs will only continue to treat the symptoms, unless locally legitimate actors also simultaneously focus on the ultimate drivers of the division.¹⁷ This can set the scene for possible structural reform within the government, which could achieve progress on a targeted issue, as well as strengthen the official/citizen relationship.

RECOMMENDATION 8 HIGHLIGHT SUCCESSES OF LOCAL CIVIL SOCIETY INITIATIVES WITHOUT TRIVIALIZING THEIR WORK

The success students from Jajce had in blocking the establishment of a new divided school in 2017 was widely celebrated as a rare win for civil society. International efforts to raise the students’ profile for their activism, however, often left out other important actors, such as teachers, school administrators, and NGOs, which also played key supportive roles. Moreover, the flood of international attention and interest in building a broader movement against divided schools made it more difficult for this informal coalition to be treated as legitimate social and political actors who had strength and agency. Representing successful outcomes as simply the result of activism or citizen participation puts an unrealistic burden on BiH citizens, who often face unresponsive institutions, despite even the most persistent efforts. When supporting civil society initiatives, as is heartily encouraged above, donor country representatives also have an opportunity to clearly communicate the broader structural problems that inhibit further positive outcomes.

¹⁷ For example, some first steps toward establishing a more resilient social contract could be strengthening anti-corruption efforts, grassroots initiatives aimed at accountability and service delivery of institutions, and working together with trade unions and diaspora groups to strengthen workers’ rights. See Belloni and Ramović, “Elite Social Contract vs. Everyday Social Contract in Bosnia and Herzegovina.”

RECOMMENDATION 9 USE THE CRISIS OF LEGITIMACY TO RECOMMIT TO DEMOCRATIZATION

Large donors remain committed to civil society but are dissatisfied with the NGOs that they support because of their inability to cooperate with each other and with the government, all of which leads to weak outcomes. However, their programs remain heavily focused on either individual rights or technical analysis. An unacknowledged but deeply ideological and neoliberal approach underlies these programs, putting them at odds with deeper democratization. As it has been described in this paper, it is not that citizens do not support rights (in practice) and competent governance; rather, they question the priorities that have been set and the changing process of international engagement which has left civic society disempowered. This was quite clear following the protests and plenums of 2014, when substantial international pressure was applied in favor of a more flexible labor law to foster economic growth instead of responding to the social justice concerns that drove citizen dissatisfaction. Project-based versus process-based support, accountability based on increasing bureaucratization rather than on citizen involvement, and favoring formal outcomes over substantive ones are examples of how donor support is contributing to, rather than challenging, the status quo. As scholar Roberto Belloni has stated, “[s]o long as international engagement is framed around the notion that individuals, groups, and local associations are objects of international engagement, rather than being active agents with resources and assets, civil society’s contribution to both democratization and peace will be limited.”¹⁸ These recommendations point toward a more organic approach that may be applied at the local level and perceived as legitimate among citizens, thereby contributing to long-term democratization processes.

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