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CHAPTER 2

Civil society in post-Yugoslav space: The test of discontinuity and democratisation

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I. Introduction

The end of Communism is generally taken by scholars as a moment of rupture that denotes the end of the illiberal regime and the beginning of political transition. The liberalisation of the political sphere in the wake of Communism entailed both the creation of the democratic state and the creation of civil society. The role of civil society in the process of post-Communist democratisation has been deemed to be two-fold. On the one hand, civil society provides checks and balances on the nascent democratic state and its institutions. On the other, as an

advocate of human rights and freedoms it also contributes to the deepening of democracy. By doing so, the process of democratisation is expected to unfold along the ideal-typical pathway: from the first multi-party elections to its consolidation. Ultimately, during the process of democratic transition, civil society offers reassurance that democratisation should not end as a form of "electrocracy" or "façade democracy",[1] where the formal trappings of a democratic regime, such as democratic elections or institutions, are not accompanied by the incremental extension of social, political and economic rights.[2] While civil society represents an important means by which democracy is fostered, its development should also be viewed as an end in itself, because civil society is an embodiment of political pluralism and a bedrock of liberal values.[3] In sum, the flourishing of civil society is not only indicative of the break with the previous regime, but it is also a litmus test of the political transition in post-Communist contexts.

In the context of examining continuities and discontinuities between the politics, economics and culture in the former Yugoslavia, and in its successor states, civil society as a theoretical perspective offers a unique insight. The emergence and existence of liberal civil society provides a valuable test of discontinuity between the two regimes, because civil society is antithetical to the essence of the Communist rule that is premised on the obliteration of any type of social organisation outside state control. While we recognise that there were some forms of civic action, both clandestine and overt, in former Yugoslavia, we take discontinuity to be premised on our understanding of civil society as a source of liberal progressive politics whose activism is protected and encouraged by a democratic (or a democratising) state; neither the autonomy of civil society nor a benevolent state supportive of civil society existed in former Yugoslavia.[4] The test of discontinuity is operationalised along three dimensions drawn from the work of Ekiert and Kubik: the relationship that civil society has with the state; the form of

organisation and institutionalisation of civil society; and, how civil society gets involved in political and public life.[5]

The relationship that civil society has with the state is dependent on how much access it has to policy making processes.[6] This is determined by how the state defines the public space according to its laws, institutions, protection of rights and implementation of policies.[7] All of these can be used to limit or bolster civil society. The action, or inaction, of states creates the diversity of outcomes across post-Communist countries. For example, NGOs can become marginalised due to lack of funding, while others receive preferential treatment or state funding and, thereby, manage to impact policy. Alternatively, if co-opted by the state, civil society itself can be complicit in consolidation of "illiberal democracy".[8]

Form of organisation is dependent on what kind of rights civil society receives from the state and what type of environment the state provides for civil society to work in.[9] This relationship can be pluralist; meaning civil society actors are interest-based, diverse and not associated with the state or the legacy of the state (which can include religious or nationalist organisations). The relationship can, alternatively, be corporatist; meaning actors are centralised and associated to a varying degree with the state (often as a remnant of a state-controlled trade union or professional body). Whether civil society is pluralist or corporatist influences how organisations develop and what organisations are privileged.[10] This is also closely linked to the level of institutionalisation of civil society. In post-Communist democracies, organisations are predominantly formal (such as NGOs and unions), but also decentralised organisationally and in how they behave.[11] In the context of ethnic and identity-based conflict, collective identity can come to play a prominent role in how civil society is organised. Groups can then become

organised along ethnic and identity lines, and participation in civil society may be follow ethnic divisions.

Finally, civil society involvement in political life can be contentious, accommodating or a mixture of the two.[12] This is dependent on how civil society gets involved in political life, what links it has to other actors in the political sphere and how effective these links are. When contentious, this is characterised by challenges to the state and contentious behaviour. When accommodating, it features extensive, often institutionalised, cooperation between civil society and the state. Shifts from one type of involvement to the other are determined by regime types and specific features of party systems. Declining and unstable parties are often replaced by contentious civil society groups advocating particular policies.[13] These three dimensions are historically contingent and influenced by the regimes that preceded them. Moreover, they show a high degree of variation across post-Communist, Eastern European and former Yugoslav cases. The continuities and discontinuities are often complex and constantly shifting.

The development of civil societies in post-Yugoslav states as well as their impact on the transition has been moulded by their different contexts. While the similarity of all post-Yugoslav states should not be overstated, their development was defined by the common political legacies of the former Yugoslavia. In addition, and, unlike the trajectory of civil society development in Eastern and Central Europe, civil societies in post-Yugoslav states have been impacted by former Yugoslavia's violent disintegration and conflicts. In fact, the war was formative not just for the development of civil society, but also for the development of the post-Yugoslav states, which, according to the liberal theory of civil society, are tasked with regulating the flourishing of the civil society sphere.

II. Civil society in Communist Yugoslavia

The brief historical overview of the fate of civil society as a form of political organisation independent of the state and of the advocacy of politics and policies that challenge the state reveals dynamics that are crucial for understanding the role of civil society after the fall of Communism in former Yugoslavia. Although the Yugoslav brand of Communism is understood to be more liberal than the dogmatic implementation of the Communist ideology in the former Soviet Union and its satellites in Eastern and Central Europe, the regime's lenience extended to the spheres of economics and culture, and only up to a point. On the one hand, the Communist experience left an organisationally barren terrain, and civil society organisations had to be created anew. Whilst popular mobilisations against the Communist regime can be viewed as expressions of a nascent or imminent civil society, such activism became increasingly bound up with ethnic nationalism and the wars of Yugoslavia's dissolution rather than with liberal democratic politics.

As a form of a totalitarian regime, Communist rule was underpinned by a totalising logic that removed the possibility of autonomous societal organisation, which would provide a limit to the state power and define how the state would be considered legitimate or not. But, this does not imply that the societal sphere was void of any organisations; quite the contrary. Besides duplication of institutions of the state,[14] a key feature of totalitarianism was a proliferation of societal organisations, such as various youth groups (the pioneers), women's groups, workers' clubs, neighbourhood associations, etc.[15] The organisational landscape of Communist countries thus resembled, at least superficially, the associational life that is characteristic of democratic regimes, However, their form was meaningless in the Communist context, as societal associations only provided an additional avenue for surveillance of subjects by secret

police, and assertion of state control on any free expression of political alternatives.[16] Consequently, the end of the Communist regimes in former Yugoslavia marked the point when civil society had to be created anew, normatively and organisationally.

Although a totalitarian regime, the rule of Yugoslav communists' did not go unchallenged. The instances of the Croatian Spring, and of the Albanian demonstrations in Kosovo in 1981, demonstrated that people power can be a vehicle for the expression of political alternatives, and a means by which to challenge the illiberal regime. The Croatian Spring in the late 1960s and early 1970s denoted "the process of democratization, liberalization and nationalist enthusiasm".[17] The demonstrations of 1971 brought into the open not just the conflict between reformists, who demanded greater control of republican funds, and conservatives in the Croatian Communist Party, but also revealed broad popular support for reforms (including the reclaiming of the Croatian language) among intelligentsia and university students, leading to its labelling as MASPOK (short for *masovni pokret*, i.e. mass movement). In the spring 1981, a wave of demonstrations swept Kosovo, as Albanians took to the streets expressing their dissatisfaction with the Communist regime in Kosovo. People voiced a medley of concerns and request, making socio-economic demands, expressing opposition to the Communist ideology, and requesting the upgrading of the Kosovo's status as an autonomous province, into a full-fledged republic (even unification with Albania proper).[18] In both cases, the Communist party was quick to repress dissent uncompromisingly, targeting not only the state universities, in Zagreb and Prishtina, respectively, but also "disloyal" members of the party and people at large. Although ten years apart, the two events demonstrated that the Communist ideology and regime was breeding resistance and dissent. But, they also showed that the articulation of opposition to the Communist regime was likely to be conflated with the expression of nationalism.[19]

Alternatives were even allowed certain formalities under the guise, however limited, of civil society. For example, Slovenian academic Tomaž Mastnak produced a book entitled *Socialist Civil Society* in 1985, which allowed for a discussion on alternative civic engagement.[20] Feminist organisations emerged in the 1970s that debated socialist theory and practice, as well as disputed established theoretical and empirical aspects of the women's emancipation project.[21] They took to the streets to protest and proposed legislative changes. Intellectuals organised into semi-official state agencies, such as for example writers' associations, enjoyed limited autonomy that enabled them to critique the state.[22] These alternative voices were not only present, but they also translated into political engagement. Janez Janša, a youth leader during Yugoslavia and a vocal critic of the Yugoslav People's Army, became Slovenia's Prime Minister.[23] This is one of the most striking continuities of Yugoslav civil society: its historical personalities[24] have changed little over time. The same individuals have been promoting tolerance, democracy, peace and heterogeneity through several regimes and over several decades.[25] These individuals have commanded and in some cases continue to hold an authoritative hold over a range of issues, from transitional justice, to the environment to economics and so on.

These organisations undertook some functions of civil society but presented more of a resistance to authorities rather than a formal civil society. Organisations were not permanent, which partly helps explain the lack of research into Yugoslav civil society. Traditional Western research into democratisation and civic engagement has focused on permanent organisations that manage to withstand regime pressures, at the expense of short-lived efforts.[26] The reliance on individuals and leaders is emblematic of the poor civic culture in Yugoslav civil society, which struggled to overcome the "leader discourse".[27]

Describing the latter stage of the totalitarian regimes (i.e. post-totalitarianism), when some of the stringent ideological and repressive controls of the Communist regime begin to let up, democratic theoreticians point to the existence of dissident structures of second culture and parallel society, *albeit* in the context of a flattened polity where all the power is still claimed by the party state.[28] The dissidents in former Yugoslav space reflected the normative fractionalisation of civil society in liberal groups supporting democratisation as a universal human rights value, and civil society groups supporting democratisation defined in exclusively ethnic terms as empowerment of one ethnic group, combined with the "deadly" ideology of ethnic territorialisation of exclusive identities. Consequently, scholars have dissected the contribution of intellectuals and cultural associations to the outbreak of war in Yugoslavia, as exemplified by the Serbian Association of Writers.[29] Nevertheless, ethnic fragmentation has continued to test and weaken civil societies in the post-Communist period, and divisions defined by ethnically-defined interests have also managed to divide the region's feminists.[30]

Besides being shaped by the Communist legacy, the development of civil society in the former Yugoslav states was also profoundly impacted by external dynamics. Post-Communist waves of democratization differed from other historical waves of democratisation, such as post-World War Two democratisation, because of the "salience of the international environment".[31] External promotion of democracy took place both beneath and beyond the nation-state, as illustrated by the involvement of international organisations, human rights groups, foundations, media, transnational firms and dissidents.[32] While the focus on civil society in post-Yugoslav states and its agency to marshal democratic change would not have been distinct from those in other Central European counterparts, the wars of Yugoslavia's dissolution have put additional burden of expectations on civil societies there to prompt and deliver democratic change.

External funding that poured into the civil society sector on the territory of former Yugoslavia was a response to post-conflict legacy that came to overlay the post-totalitarian legacy. On the one hand, civil society was to help address the dysfunction of the post-conflict state, whose transformation mainly through war economy resulted in the entrenchment of partial interests in the institutions and the mode of governance (such as pervasive informal economy and corruption). On the other hand, civil society, or more specifically, liberal civil society was to address the emergence of exclusive ethnic identities and exclusive nationalist ideologies, which instilled deep-seated mistrust among communities and obstructed democratisation.[33]

Assessing democratisation after 25 years, Schmitter has remarked that "democratisation may have been easier than he had anticipated, but it has also been less consequential."[34] A part of the reason why democratic consolidation has stagnated lies in the role played by civil society. According to Schmitter, civil society may be a "mixed blessing": while robust civil society is "vital for the success of transition and consolidation", the case of former Yugoslavia made it clear that society can play an "ambiguous and even malign" role, and directly incite divisive mobilisation that leads to violence.[35] Consequently, the assessment of its contribution to democratisation cannot be carried out without taking into account often contradictory normative aims, dynamics and impacts of a range of organisationally diverse forms of civil society throughout the post-Yugoslav period.

This chapter proceeds by offering a comparative assessment of the emergence and strength of civil society in Croatia and Serbia. The analysis draws on empirical data from particular sectors within civil society in both countries; environmental organisations in Serbia, transitional justice and veterans' organisations in Croatia. The focus on these particular sectors allows the diversity of organisational forms, the variation in empowerment and efficacy, and the developmental

trajectory of post-Yugoslav civil society to be captured. Whilst environmental organisations lack the political resonance of other iterations of post-Yugoslav civil society, the perspective illustrates the impact of institutionalisation and Europeanization. By contrast, veterans' and victim associations, and organisations focusing on aspects of transitional justice have particular political status and connotations within the successor states; their interaction with elites and citizens remains fluid and acts as a litmus test of liberal reforms and democratic consolidation. These groups are all inextricably linked to both the totalitarian and conflict legacies of Yugoslavia. They highlight that "not all forms of not all forms of civil society mobilization under nondemocratic regimes help the rise of democracy, particularly if racist or radically nationalist activism is at the forefront (as in the former Yugoslavia)."[36]

These two examples shine light on the strengths and weaknesses of civil society, as well as on domestic and external constraints the civil society faces in shaping the politics and policies of post-Yugoslav state. Bermeo warns that "building a 'strong' civil society is not as desirable as building a civil society that is tolerant and non-violent and thus supportive of democracy."[37] In conclusion, we reflect on reasons why the growth of civil society organisations does not necessarily coincide with its unequivocal contribution to democratisation, including peace-building,[38] and consider complex ways in which the agency of civil society in the context of democratic transition marks political discontinuity with the politics and policies of the Communist Yugoslavia.

III. Civil society in Croatia

Croatian civil society has provided pressure for democratisation and, for the most part, functions without significant institutional impediments. It becomes limited when and if it

attempts to challenge the key identity narrative of the nation- and state-building projects: that of a Roman Catholic nation borne out of a heroic defence against Serbian aggression. Three types of civil society groups best exemplify this: war veterans' associations, fact-finding organisations and language institutions. These show the legally protected position that Croatian civil society groups have, but that funding is used to give some more opportunity to impact policy than others; that civil society is pluralist, with some corporatist elements, but that ethnic identity of groups is key; and, that civil society is contentious within the context of a weak party system, but this contention is dependent on which party is in power.

Civil society's relationship with the state in Croatia is protected by laws and rights that follow EU frameworks. These allow civil society to influence policy making processes. Underpinning this relationship is a democratic framework in a system defined by the institutional dominance of one ethnic group, the Croats.[39] Civil society is generally well-resourced, as long as it does not challenge the dominant political narrative. Organisations that criticise this narrative can have their funds slashed, and therefore rely on private or EU donations, or they can lose state protection against threats and dangerous behaviours.[40] All three types of civil group exemplify this relationship.

War veterans' associations have, since the 1990s and even after the 2000 regime change, had nearly exclusive access to state funding since they have been closely aligned with the nation- and state-building projects in Croatia, especially of the right-wing Croatian Democratic Union (*HDZ – Hrvatska demokratksa zajednica*). Because the war narrative, one of defence against a larger Serbian aggressor, has proven to be so enduringly influential in society, war veterans' associations have been able to exploit related symbols to more effectively further their political aims, at times ideological ones not specifically related to war veterans' direct interests. These

associations are often vehemently opposed to any move that can be interpreted as a delegitimization of the Croatian state. This was further supported by the media, who provided associations with prominent coverage to boost sales.[41] Human rights NGOs are comparatively weak. They suffer from fragmentation and personality conflicts; a lack of funding in comparison to state funded veterans' and victims' associations; and, they are branded as "anti-Croatian" by the HDZ, which leads to negative perceptions among the public.[42] Moreover, due to the nearly complete ejection of the Krajina Serb community in 1995, many victims of human rights abuses are no longer part of the Croatian political community.[43] War veterans' associations highlight how, in order to access policy making, organisation have to be aligned with the dominant war narrative, which forms a key part of modern Croat identity.

Much the same can be seen among fact-finding organisations related to the 1991-1995 conflict. The *Documenta – Centre of Dealing with the Past* is a typical human rights NGO concerned with fact-finding and transitional justice issues. It was established by several other human rights NGOs – the *Centre for Peace, Non-Violence and Human Rights Osijek*, the *Centre for Peace Studies*, the *Civic Committee for Human Rights* and the *Croatian Helsinki Committee* – with the aim of fostering dialogue that focuses on interpretations, rather than dispute, of facts. Other key aims are: fostering public dialogue and judicial processes (including regional truth commissions and teaching of history); documentation of human losses; and, improvement of judicial standards through monitoring.[44] They receive funding from the Croatian government, including the Ministry of Culture, as well as a broad range of international foundations, organisations and embassies. They work with war veterans and victims, as well as their associations, but remain deeply unpopular with much of this community and relatively unknown to most of the public.

Such a peripheral role can be partly explained by how the media portray them: ignored at best and deemed anti-Croatian at worst. The public is, therefore, not familiar with the work of *Documenta* and often they hear about such NGOs through war veterans' and victims' associations, who feel threatened by them due to the relative success human rights NGOs have had in attracting international funding. Their connections to international donors have helped feed conspiracy theories about *Documenta* and their support of the International Criminal Tribunal for the former Yugoslavia (ICTY) meant that they too were accused of attempting to "equalise war crimes" and criminalise Croatia's role in the war.[45] Its criticism of the dominant narrative resulted in a loss of government funding in 2018, while groups such as *U Ime Obitelji* (In the Name of the Family), that advocate the limitation of LGBT and women's rights, were granted government funding.[46]

Language institutions best highlight how affinity to the nation-building project results in more influence over policy making. The Croatian language planning project, used to differentiate Croatian from Serbian, was generally not promoted by the government, but by non-governmental organisations with similar goals.[47] Most notable were the Croatian Academy of Sciences and Arts (*Hrvatska akademija znanosti i umjetnosti* or HAZU), the Council for the Norms of the Croatian Standard Language (*Vijeće za normu hrvatskog standardnog jezika*), the Institute for the Croatian Language and Linguistics (*Institut za hrvatski jezik i jezikoslovlje* or IHJJ) and *Matica Hrvatska*. Croatian governments rarely introduced legislation or regulations to control language policies, instead these civil society organisations encouraged an exclusive view of the Croatian standard language that actively eliminated anything related to the "East".[48] This defined Croatian language as Croatian, not Serbian, and its alphabet as strictly not Serbian Cyrillic. Not only did these organisations succeed in directly influencing policy making, they also lobbied international bodies. HAZU complained to the ICTY in 2007

about reports intended for Croatia being written in Serbian, alongside a range of other complaints to the EU and Western European universities.[49]

The form of organisation in Croatian civil society is pluralist, with elements of corporatism. Civil society actors are diverse, interest-based, predominantly formal and highly decentralised. Additionally, the legacy of ethnic conflict has resulted in collective identity playing a large role in how civil society is organised. This is best exemplified by the high number of formally registered war veterans' associations (over 6,300) and their privileged position in Croatian society.[50] The multiplication and fragmentation of war veterans' association, as well as their close association with the nation-building project, has made it easy for political parties, most notably the HDZ, to manipulate them. Their shared priorities regarding the 1991-1995 conflict have often resulted in special benefits for associations, who may see the HDZ as a means to protect the Croatian nation, but also as a way to access more funds and powers. The implication is that these associations no longer focus on their rehabilitating function and instead prioritise political aims, often to the detriment of other ethnic groups and democratisation.

Fact-finding organisations, on the other hand, highlight both pluralist and corporatist elements of civil society. While *Documenta* is a typical examples of pluralism (for example, it was formed by a number of separate organisations), the *Croatian Memorial and Documentation Centre for the Homeland War* is essentially an arm of the government. It is run by Croatian historian Ante Nazor and shares similar aims to *Documenta*, those of collecting and documenting material about the 1991-1995 conflict. Their publications, however, have overt political messages and use loaded terms extensively, thereby connecting them to the dominant ethnic narrative. Titles include "Greater Serbian Aggression"[51] and "The Assassination of Croatia".[52] The centre was founded and is funded by the Croatian state; it portrays itself as an

independent, but state funded, research centre. Parliamentary discourse attached to the centre is representative of its attachment to the state- and nation-building projects in Croatia: in a 2016 parliamentary progress report and debate, members of parliament stressed the "independent and objective work of the centre" in "protecting the memory of the legitimate and just, liberating Homeland War".[53]

The centre and Ante Nazor are popular, since they tap into the Croatian zeitgeist: Ante Nazor is a recognisable historian; he is a war veteran; and, the centre makes a great show of publicly collecting documents. War veterans find Nazor credible due to their shared experiences and his focus on collection of documents.[54] They do not dispute the interpretations due to the acceptable manner of data collection. The centre's reach and impact on policy goes far beyond that: they present their work in Croatian schools and involve themselves in the development of school curricula on the conflict. If Croatian civil society is a zero-sum, competitive arena, then the *Memorial and Documentation Centre* belongs among the clear winners.

More corporatist and institutionalised in comparison are the various language organisations, discussed above. These are not strictly government institutions, but they all have extensive links to the state, be they institutional or financial. The extent of the corporatist relationship is that language change in Croatia occurred through sponsorship of these organisations, rather than by formal changes to Croatian laws.

Civil society in Croatia gets involved in political and public life in a generally contentious manner, but this is dependent on who is in power. This is due to the dominance of war veterans' associations in civil society and their use of the narrative surrounding the 1991-1995 conflict to legitimise their actions. Political parties in Croatia are weak and most governments prioritise

appeasing war veterans, due to their potential to disrupt and challenge the government. The power of such associations is evidenced by the scale of veteran-organised demonstrations over the years: from protesting the extradition of generals to the more recent protests in Vukovar against bilingual signs, they have consistently managed to draw thousands to the streets. This has two key implications. First, it allows political parties to manipulate such groups for their purposes, by calling on them to protect the nation against perceived threats to the government. It also means that associations can use parties to guarantee their own existence. Often, these occur at the expense of minority and human rights, which are not pursued. Second, this diverts attention from the humanitarian aims of these groups. These highlight the need for social justice in the aftermath of conflict, which if neglected, can create social divisions.[55] War veterans' associations, however, divert attention away from this.

Fact-finding efforts are equally contentious. *Documenta* spends much of its time challenging the state, but the *Memorial and Documentation Centre* is also happy to do so. These two groups do hold some form of dialogue and they share many of the same institutional obstacles. For example, they jointly take part in discussions on how best to approach recent history and Vesna Teršelič has admitted that Ante Nazor is open to cooperation between all types of organisations, but they disagree over who is most qualified to determine facts.[56] Slaven Rašković, Research Coordinator at *Documenta*, has also complained about their shared struggle to gain access to government documents in Croatia.[57][6] This highlights the power that civil society can hold over government in the context of an ethnic democracy and weak parties. Whoever is seen as best defending the war narrative and, therefore the Croatian nation, is given the most legitimacy. Civil society organisations can in this way come to replace political parties or at least challenge their legitimacy. Language institutions are an exception to this, since they are accommodating. They are highly institutionalised and their cooperation with the state is so

close that they occupy a grey area between civil society and formal government institutions. They have successfully replaced the state in some areas, where they are more efficient, but they also remained guided by the government and not quite independent of it.

Croatian civil society since the break-up of Yugoslavia is broadly pluralist and contentious, with elements of both corporatism and accommodation. It holds a legally protected position with opportunities to impact on policy. This position is, however, contingent on groups belonging to the dominant group identity and adhering to the dominant war narrative. Any challenges to these also challenge the Croatian state- and nation-building projects. Groups who challenge these see their opportunities for action limited by the government, usually through cuts in funding. This highlights that civil society in Croatia is both varied and still changing. That "there is no convergence on a single model. On the contrary, post-Communist civil societies are becoming more divergent".[58] The key insight from the Croatian case study is the role that legacy of ethnic conflict plays in leading to these diverging outcomes.

IV. Civil society and governance in Serbia

The attitude of Serbia's political elites towards engaging civil society in political life has arguably been the key political and ideological battleground since the violent collapse of Yugoslavia. Indeed, since the early 1990s, civil society has stood as the frontier between reform and stagnation, between a further descent into semi-authoritarianism, and genuine liberal regime change. Despite recent progress made towards EU accession, and the intent expressed by Prime-minister Vučić to deal with corruption and organised crime and to secure Serbia on a liberal democratic path, the nexus of state/civil society relations is no less a barometer of the country's post-Milošević politics. In terms of continuities or discontinuities with the

communist past, the polymorphous civil society that exists today would seem to have an obvious link to the anti-authoritarian and pro-liberal dissident movement of the communist era, rather than to the nationalist activism of the late Yugoslav period.

Indeed, on the surface at least, Serbian civil society today appears to resemble that which exists across Central and Eastern Europe. Such “normalisation” is characterised by four (very) broad and by no means rigidly defined categories: (i) a formal tier of apolitical semi-institutionalised non-governmental organisations (NGOs) and think tanks, largely dependent on international donors, but gradually gaining some access to political and public life, and acquiring domestic support and supporters; (ii) a long-established network of politically-engaged human rights advocacy groups (HRGs) whose focus on war crimes and transitional justice, (but increasingly also LGBTQ, race, gender and identity politics) still make them prime targets for nationalist attacks and uneasy partners for reformist elites; (iii) a small tier of community-situated civil society organisations (CSOs) that campaign on local issues and increasingly venture, albeit tentatively, into the political arena, and, (iv) emerging radical, grass-roots protest politics, most notably, the *ne da(vi)mo Beograd*, (“Let's not drown Belgrade”) movement.

The fact that all four broad categories of “civil society” are weaker, more ephemeral and far less politically discernible than their Central and East European counterparts reflects the particular recent history of Serbia: the way Yugoslavia collapsed and the lack of a liberal democratic revolutionary “moment” at the end of the 1980s; the legacy of Milošević and the subsequent delayed or interrupted transition, and the particular path of Europeanization on which Serbia is embarked. Each iteration of civil society reflects a particular aspect of Serbia’s political transition: the partially institutionalised NGOs that function at the periphery of decision making and policy reform are gradually being brought in from the cold because of the

increase in EU pressure since 2013 and the granting of candidacy; the HRGs, more tolerated perhaps than in the recent past, stand as a continued reminder of the illiberal semi-authoritarian dimension to the country's post Yugoslav politics, but also the unresolved and still deeply fractured nature of contemporary Serbian politics. The more community-focused civil society organisations are in part a legacy of the 1990s and vestiges of liberal dissent amidst the nationalism of that era; and the more radical activism is perhaps best interpreted as part of a pan-European, if not global, political mobilization that has gained momentum since the financial crisis and the ensuing austerity, critiquing corrupt and unresponsive elites.

Below each category of civil society is discussed, drawing out the specificity of the Serbian context, but offering some insight as to why and how particular organisations and networks function as they do, failing to deliver the beneficial effects on transition. The primary intention is to draw out how Serbia differs from other post-Communist states in terms of its civil society. Space does not permit the opportunity to contemplate what predictive power, if any, there is in developments happening in Poland, where a far more politically active civil society is challenging the illiberal agenda of the government, or whether the experience of *Zagreb je NAŠ!* in Croatia, where a civil society network directly contested local elections to unseat incumbents, is likely or possible in Serbia. However, these questions are incipient and implicit in what is discussed below.

The professional NGO, with no overt political affiliation or obvious ideological compass, operating as close as possible to the policy process, is no less ubiquitous in Serbia than elsewhere in post-Communist Europe. Successive rounds of donor project calls have shaped the issue agendas and focus of these organisations, who have gradually acquired project management capacities and built up technical expertise. At best, they are now key players

within the epistemic communities that are building up around particular policy issues and areas (for example, environmental protection and governance). At worst, they are empty vessels and unanchored project machines with rather superficial knowledge and expertise. As already noted, the NGOs of Serbia are less institutionalised and lack access to policy elites in large part because of the complex relationship between Belgrade and Brussels, and the prevalence of the Kosovo issue. In other words, the process of opening and closing chapters of the *acquis* has only recently begun in earnest and therefore the imperative to bring NGOs to the negotiating table is still in its early stages. However, recent research on the impact of Europeanization on domestic actors in Serbia suggests that whilst NGOs initially benefit in terms of access once negotiations begin, they lose influence once the detailed negotiation process begins in earnest, due to a lack of detailed knowledge and the pace of the reform process.

The dividing line between the professional NGOs and what we identified above as CSOs is quite thin and porous. We gain a good sense of the interaction between the two types of organisation from the perspective of environmental activism and politics. Most of the registered environmental CSOs, like the larger NGOs, exist as formal entities due to the availability of international donor funding, invariably but not exclusively from the EU. They emerged as part of the wide-ranging *Otpor!* coalition of the late 1990s against the Milošević regime, that culminated in the 5th October revolution. In terms of number, there are currently about a thousand CSOs working broadly on environmental issues across Serbia.[59] The vast majority of these are very small organisations with low capacities. Whilst a small number has the capacity to engage local communities from across the entire country, the majority are confined to operating at the local level. Of the twelve such organisations interviewed recently by the author[60], most work on environmental issues as part of broader issue and campaign

portfolios. However, they have all received EU assistance or other specific assistance initiatives to pursue an environment-related project.[61]

With a few exceptions, it is hard to contest the assertion that the NGOs and CSOs either have no political clout, or are able to exert very little influence at elite or societal levels. In this sense, they are typical of the kind of civil society iterations that flourished across post-Communist Europe in the 1990s and 2000s seeking voice and influence within the established order. The two final categories of Serbian civil society, HRGs and radical protest movement, are overtly political in intent and focus. The former, essentially composed of Belgrade-based intellectuals, were established in the beginning of the 1990s as anti-war movements. Despite the political changes initiated in October 2000, the activities of human rights organisations remained highly contentious and unwelcome to the authorities. The HRGs took up the transitional justice agenda and this pitched them in direct opposition to successive governments, none of which sought to directly address the human rights violations of the previous regime. Today the outright threats of violence towards these individuals and their organisations may well have dissipated, but the hostility and deep suspicion remains. In a certain sense, despite the recent progress Serbia has made towards EU accession, the HRGs represent a liberal opposition and consciousness still in waiting; more a nascent *political* society than civil society. The development of liberal civil society has not only been constrained by the state, but also by illiberal groups that mushroomed purveying "new" Serbian nationalism.[62] A variety of groups, often with a purportedly pure religious outlook included groups such as Patriotic Movement Dignity (Otačastveni pokret Obraz), Association of Students "St Justin the Philosopher" (Udruženje studenata "Sveti Justin Filozof"), or the Serbian Assembly "Doorway" (Srpski sabor "Dveri").[63] These groups were emboldened by the tacit support of the state as well as the Serbian Orthodox Church, which speaks to the lack of separation between these segments of "uncivil" society and the state.

Perhaps the most surprising development over the past couple of years has been the *ne da(vi)mo Beograd* ("Let's not drown Belgrade") protest movement that has emerged to protest against the highly contentious plan to transform the city's waterfront. The campaign, established in 2015 to contest what is perceived to be corruption and illegality surrounding the on-going re-development of the city, has become one of the most successful and prominent in Serbia, if not the region. The yellow duck carried by the activists has become a powerful symbol of broader resistance. Although individuals from within the NGO sector are involved and participate in the actions, the established organisations, particularly the environmental NGOs, are not represented or involved. The activism – the strategies used and the nature of the critique – are immediately reminiscent of the anti-austerity mobilizations across southern Europe and Turkey (Gezi Park), but also of contemporary civil society activism in Poland and Hungary. However, whilst it is easy to interpret *ne da(vi)mo Beograd* as Serbia's version of what has swept the rest of Europe, the activism in Belgrade does not stem from an almost sudden realisation of the failings of liberal democratic processes and institutions post crisis, or (as in Poland and Hungary), the deliberate dismantling and erosion of liberal politics by elected politicians. If the on-going activism at the Belgrade waterfront is to be put in any historical context, it is perhaps a re-awakening of October 2000 and the *Otpor!* coalition and the *Narodni pokret* initiative that helped topple Milošević.

Whilst the radicalism spearheaded by civil society over the last couple of years suggests a continuity with the rest of Europe – a response to austerity and the crisis of liberal democracy – the interaction between the government and civil society organisations in Serbia remains bound to the immediate post-Yugoslav period. The illiberal politics of the Milošević period and the overt rejection and marginalisation of those within civil society wishing to contest or

critique the political elites continues to frame the interaction between the sectors, regardless of the particular policy, issue or type of organisation involved. Whereas in Poland and Hungary the recent politicization of civil society is arguably a regulating mechanism to try to restore liberal democratic politics; in Serbia, apart from a very brief period in the early 2002 under the reformist government of Zoran Djindjić, there is no sustained period of liberal democratic politics to be "restored".

V. Conclusion

The case studies of Croatia and Serbia capture the ambiguous state of civil society in the post-Yugoslav space. Croatia and Serbia, although different in many aspects, shared two crucial components that affected the development of civil society: the legacy of conflict and a slow transition to liberal democracy, as neither regime turned "liberal" overnight. At times, civil society aided processes of democratisation, but often it exerted pressure in the opposite direction, if it was present at all. The effects of the legacies of Yugoslav Communism, nationalism and conflict are all inextricably linked. This also highlights that no one model can capture the diverging paths of post-Communist civil societies.

In Croatia, parts of civil society hold a close connection to government and it is debatable if they can even be referred to as civil society. Civil society is in a legally protected position and can effectively impact on policy, but this is dependent on adherence to the dominant group identity. Any challenges to this are seen as threats to the Croatian state- and nation-building projects, which can result in funding cuts to civil society organisations. The situation is, however, not binary: civil society organisations often face similar structural obstacles,

regardless of government support. They key factor underpinning this state of affairs is the legacy of ethnic conflict in the country.

Similarly, in Serbia, each segment or component of civil society is weaker than it should otherwise be. In this sense, the particular legacies of the past three decades are as prevalent today as they were a decade ago: low levels of NGO institutionalization reflect the disrupted transition and the stalled Europeanization process; the tier of highly politicized human rights groups that are not fully part of civil society and exist as an imminent political society reflecting the legacies of war and the unfinished business of transitional justice; weak CSOs reflect the lack of a liberal democratic epoch at the end of communism and the colonization of dissent by nationalists.

What can this analysis tell us about the continuities and discontinuities from the former Yugoslavia? The civil society perspective provides a prism of challenges and openings for democracy after the fall of Communism and after Yugoslavia's violent disintegration. The post-Yugoslav political space in successor states is no longer a void under the omnipresent control of the totalitarian state. However, neither do new post-Communist civil societies play an entirely benevolent role in relation to democratization. Both normatively and organizationally the civil society space is a space of pluralism. However, civil societies are often purveyors of nationalism as well as challengers, and as a type of actor often hold the state to account, but are also the extension of the state. In this respect, the discontinuity with the former Yugoslavia is evident, however so is the long shadow of its legacy that shapes the role and the form of civic activity.

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