

From forms to norms: global projects and local practices in the Balkan NGO scene

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Even the most localized rule-of-law conflicts are integrally tied to global forces. At the local level, these global discourses and resources are utilized in the local power struggles as they play themselves out in democracy promotion projects. This paper analyses the role of local NGOs in helping to institute the rule of law in the new democracies of Eastern Europe. Global democracy promotion efforts in the world of projects may actually inhibit the emergence of democratic practices. At the global/local interface, we must analyze why certain definitions or discourses triumph over the long term. It remains to be seen whether we are exporting genuine democratic norms or simply the forms of activity typical of project society.

Introduction

Exporting democracy involves the flow of people, money and ideas from the centers of democracy, the West, to various ‘countries in transition’. Such global flows do not flow unhindered, however. There are invariably blockages, diversions, distortions and local selection. Accompanying the large-scale public projects for promoting human rights and rule of law, there also exist the private projects of the various policy-making, implementing and recipient organizations, of the consultants, the advocacy trainers, and local civil society activists. It is this nexus between idea and practice, between the global and the local, which I will explore in this paper. I will argue that this ‘world of projects’ is peculiarly opaque when it comes to the export of human rights, democracy and promoting the rule of law. With all this talk of ‘transparency’ these days, why is there so much opacity out there? Human rights, democracy and rule of law are intimately linked to support for civil society and NGOs. Hence, I will use the world of projects and NGO capacity building as a window to understanding the general problem of why things tend not to go the way we intended. In Romania, where I have conducted research for some years, there is a century-old phrase for this gap between intent and reality: the phrase ‘form without foundation’ is often invoked to refer to the assumption of French constitutional forms in the nineteenth century by many of the Balkan states under declining Ottoman rule. The export of human rights and rule of law is particularly afflicted by this form-without-foundation syndrome.

Hence, we see a major effort by the West to implant our constitutional, legal and political forms, including the adoption of the international conventions for human rights. Yet we observe the stubborn resistance by various local administrations and by society to internalize these forms as norms of behavior. In the Balkans, which with some exceptions could be called a ‘post-conflict’ society, there remains plenty of conflict. Some of this is uncontrolled violence; there are also various forms of human rights abuses and corruption, which means that human rights NGOs still have plenty to do. While human rights provisions have been

enshrined in most Balkan constitutions, in legislation and in administration, the rule of law, understood as the application and administration of these provisions, has yet to be achieved. If we understand corruption and organized crime to be alternative regimes of power and influence, we can see that exporting Western forms does not necessarily lead to the implantation of Western norms.

It is this contrast that I will explore in this paper, using as my point of departure the experience of NGO development in the Balkans. I will make these points in two capacities: first, as an anthropologist specializing in Eastern Europe and with a theoretical interest in how formal and informal organizations interact. And second, as a participant in the 'democracy export' culture based on my own work as a part-time consultant working for EU and Danish government aid programs for developing civil society. In this latter role, I have participated in helping the Romanian government formulate an NGO policy, in setting up Albanian and Kosovar civil society support programs, in assessing Danish aid for justice improvement in Albania, in evaluating the Albanian human rights sector, in 'mapping' the Bosnian local NGO sector and evaluating a Bosnian human rights organization, and in evaluating the Danish Democracy Foundation's use of study trips for East Europeans to learn the Danish democracy model (Sampson 1996, 1998, 2001a, 2001b, 2001c; on democracy assistance see also Carothers 1999, Carothers and Ottoway 2000). In these NGO development activities, I encounter a unique world of people who act differently, think differently, and organize their lives differently. It is a world of perpetual grant-seeking, of continual 'training of trainers', of 'capacity building', of attracting donors and of 'donor fatigue' (Sampson 2000). It is a world of idealism and struggle for a better world, a world of cosmopolitanism and travel, and a world of ruthless opportunism where an office assistant in an international NGO project makes three times more than a government minister. It is a world where key words are pursued, where money is spread around, where everything must be sustainable, but where all things are transient. It is a world where talk is of 'transparency' and where the reality is opaque. It is the 'world of projects' with its ways of seeing the world and its own set of practices; it is what we anthropologists call a 'culture'. Rule of law (or lack of it) is in fact the empirical manifestation of how these practices manifest themselves.

Globalization and globalism

An understanding of human rights and rule of law in Country X is impossible without an understanding of the transnational forces at work. These transnational forces are often called 'globalization'. One aspect of globalization with regard to the transition countries of Eastern Europe is of the homogenizing kind. Now known as 'McWorld', this kind of globalization manifests itself in the flow of money, people, resources and ideas from west to east (and refugees and black money flow from east to west) (Hannerz 1992, Friedman 1994, Barber 1995, Bauman 1998). The human rights industry is part of this globalization process, as are the projects for civil society, democracy promotion, environmental awareness, etc. These flows are not effortless of course. There is a power or coercive dimension. Under the conditions set for 'entry into Europe', for example, the countries of Eastern and Southeastern Europe must fulfill certain conditions, of which 'progress in the rule of law' is one. In this sense, rule of law is not just a 'flow' but also an imposition. The term 'globalization' tends to mask this power dimension, but it is crucially important for our understanding of the gap between forms and norms.

There is a second kind of globalization, which refers not to the spread of resources or

ideas from the West to the Rest, but to a kind of super local, non-territorially based world. We might call this 'globalism', the idea of 'the world' as a single place in which 'we' are all members, and where ideologies and resources have no specific locus. The West or Europe is not a place but a state of mind, a social world which one can simply join if one fulfills the necessary requirements. The Westernized elites in the countries of transition, those working in NGOs for example, are already global. While *globalization* has been around for a long, long time (in the form of transnational trade, flows of people, spread of ideas), *globalism* is relatively new, being tied up with truly global institutions and complexes of ideas not linked to any one particular locus (Friedman 1994). The world of projects and NGOs, the world of environmentalism and human rights for example, is a globalist world. As such, it is amenable to the circulation of symbolic resources and the affiliated flows of capital, people and knowledge that accompany these. Globalism entails practices which do not have any particular geographic locus, but which are nevertheless real. The most obvious example is the way in which 'global civil society' mobilizes using the Internet or various international conference venues. The worldviews or practices which come out of such interactions – e-mail lists such as CivSoc (in Seattle) or conferences held in Beijing, Rio or Copenhagen are truly globalist, in so far as they have nothing to do with what goes in the actual locations of Seattle, China, Brazil or Denmark. In this latter sense, the world of human rights and rule of law is 'lifted off' from local settings and views the world from above, as a 'globe'. It is this globalized world which decides that human rights abuses in a particular place – Burma, China, El Salvador – are worth making into a global issue.

These two forms of globalization/globalism spawn a third trend: the fragmentation of life-worlds and reconstruction of communities in which ever smaller groups can put together identities from a larger pool of resources. This is most clear in the literature on ethnicity: more and more 'peoples' are emerging, laying claim to resources based on their uniqueness, even while their rhetoric and political strategies resemble each other. The 'politics of recognition' depends on our ability to recognize uniqueness, and our valuation of diversity as a good thing (Taylor 1996). The global world of NGOs, civil society and 'rule of law' is also fragmented by local actors who utilize these symbolic resources and their associated material resources in the local scene. When such conflicts occur, we see one group or faction labeling the other as illegitimate or deviant.

The fragmented world which is the result of globalization and globalism is also present in the world of projects: the project makers and their affiliates reaffirm themselves through their conferences, grant-making and grant-seeking activities, the projects, websites, exchanges, and myriad of interlocking boards, committees, declarations and organizational training exercises. In simplistic terms, the world of projects has spawned a 'tribe' of project makers, which stretches beyond individual countries but includes donors, fundraisers, consultants, local staff, counterparts in the host country, board members, etc. These actors are both public and private, individual and organizational; they unite in their sense of common mission and a feeling of coherence: this is why they call themselves 'the international community', even though it is neither international (in the sense of global) nor community (in the sense of having only horizontal, non-hierarchical ties). At every level in this hierarchy, we can observe manipulation of the resources connected with projects for 'rule of law', 'human rights' and 'NGOs'.

This manipulation is not necessarily evil or counterproductive. It is necessary for the successful functioning of any organization. To the extent where such manipulation combines private and public projects, it mobilizes the group and keeps the 'tribe' coherent. In other words, while there is a form of global talk that refers to 'civil society', 'universal norms' and 'rule of law', there are also local practices which attempt to manipulate these

symbolic forms and resources for local or even private ends; what could be called 'private projects'. These local practices are more than just 'the *intersection* of universal norms and local *context*' (the original title of our workshop). Norms and context do not just intersect, and the local is not just a 'context'. Rather, it is universal forms, which are exported to certain local settings, or imposed, and in this export process there occurs a confrontation. I use the word confrontation because there is a power differential involved. The world of projects is a forum for negotiating this differential in which those carrying the forms (from the West) are the center of attention for those seeking to utilize Western resources.¹ Our mistake is in assuming that it is norms that are exported; rather, it is the forms.

That the world of projects is political, or that civil society or NGO development has a power differential despite the caveats about democracy and transparency, is certainly no surprise. However, I would suggest that this political aspect takes on a certain color in the specific setting of the export of 'rule of law' and 'human rights' as projects. The task, then, is to understand the practice of exporting globalistic, universal laws into real settings of power and power struggle. These power struggles are not simply abstract or academic. There is a reason why human rights NGO activists are the first to be hunted down during periods of military repression or violence, be it in Central America, in pre-1999 Kosovo, or in Central Africa. It is not about what these NGOs are doing (they barely survive), but about what they represent.

Of all the types of NGOs in the NGO sector, it is perhaps the human rights and rule-of-law NGOs which seem to be most subtle and most skilled in maintaining relations with Western norm-transmitters and donors; what is called 'the international community'. This may be because the field 'rule of law' or 'human rights' is so central to the building of democratic societies, and at the same time can only be a result of democracy. Democratic *institutions* are needed to ensure rule of law. But democracy *as a process* is possible only if there already exists the rule of law. Confusion about how much democracy is necessary, or whether democracy (in the form of premature elections) actually stimulates conflict, revolves around these diverse understandings of democratic processes: one centering on effective institutions, another on the role of elections, a third on how society holds government accountable, a fourth on norms of conduct.

Success in implementing the rule of law thus entails quite different forms of 'democracy'. It is contingent on whose definition is implemented as form, and as norm. This is not simply an academic problem, for we have many examples of people being disillusioned with democracy. The key problem for the West has been the degree to which democratic institutions should be imposed, versus finding ways in which they should 'take root'. 'Seeds' can be planted, but some plants seem to sprout spontaneously ('grass roots').² The global power constellations make themselves felt by not waiting for the spontaneous growth.

Hence, we observe the particular activity of 'building civil society'. Building civil society is both a means and an end of projects within rule of law and human rights. And the 'construction teams' in this building process are the non-government organizations who serve as local partners to international donors. These local NGOs have their specific characteristics in terms of mission, structure and activity. It has led to the emergence of a visible NGO sector, on the one hand, but also to a variety of problems on the other. These problems are visible within the NGO sector and between NGOs and their counterparts 'state' and 'society'. Let me briefly summarize some of these problems.

1. Jealousy from the state. State officials continue to be jealous of the resources given to the NGOs in terms of equipment, training, trips and foreign attention. NGOs are seen as competing with ministries for aid. And the lack of protocol needed for

NGOs to cooperate with Western donors, their relative ease of communicating with Westerners and the more relaxed, alternative nature of the sector as such all lend a certain animosity to how government officials feel the NGOs are spending 'our money'.

2. Elitism by NGOs against the state. Among many NGOs there continues to be a lack of understanding of how government actually works, of how policies are formulated and implemented. This gives NGOs an idea that if policies are not working there must be active sabotage or incompetence in government, something which may not be the case. The problem is that most government officials are young and inexperienced, especially in areas where there was no prior tradition such as 'foreign assistance' or 'EU integration', not to mention 'human rights', 'retraining unemployed' or 'environmental protection'.
3. Gaps between the professional, well-funded NGOs and all the rest. There continues to be a major gap between the small number of professionalized NGOs with good connections to Western donors and newer or more grass-roots organizations that see themselves cut off from funding. Since donors like to go with winners (less risk, less work) and since NGOs themselves are in competition for funds, the gap continues. The substance of the gap seems to be those who have funds (and then receive professional training in the world of projects) and those who do not. In concrete terms, one notices the same old faces and organizations at the conferences, partly because the natural mobility one would have from civil society to the state sector or private sector so common in Western Europe (e.g. the founder of Médecins sans Frontières became health minister in France and subsequently UN administrator in Kosovo).
4. A continuing skepticism from among the public. There remains continuing skepticism that NGOs are simply career tracks for an elite. This is partly true, in so far as working for an NGO can be relatively lucrative and that there are few other options. It is also an escapable fact that mobility in the NGO sector is reduced, that young people find it hard to rise, and that the children of the NGO elite are often studying abroad. The fact that so many NGOs in Eastern Europe operate as foundations – i.e. as nonmember organizations – only increases this skepticism from the public and the skepticism about the role of voluntarism generally.
5. Lack or skepticism about voluntarism. With NGOs increasingly seen as organizations, there is a view that projects can only be carried out by paid staff, together with equipment, jeeps, etc. (Oxfam model).
6. The legal framework for NGOs is relatively clear while the fundraising and income element is unclear. This means that some NGOs that want to generate income cannot, while others are effectively operating as small companies. Of major importance are the conditions for cooperation with the state in terms of undertaking state contracts. NGOs in the West routinely act as consulting units or service providers for state agencies, competing with private firms. NGOs in the East may be less capable of doing this.
7. Finally, NGOs in Eastern Europe remain crucially dependent on foreign funds. Neither the state nor private philanthropy has filled the gap. In light of donor fatigue and interests to move elsewhere, the lack of permanent income generation is a serious problem.

Hence, the strong NGO sector is there but remains very much foreign focused and foreign funded. The high professionalism and good salaries enable these NGOs to be vehicles for

private projects. Interaction with government and the private sector is minimal. The question, then, is whether all these organizations actually make civil society stronger. Or have the NGOs remained a foreign donor island in the middle of societies where there is increasing alienation and disillusionment with the West, where uncivil populist organizations are growing, and where NGO staff are seen as only highly paid functionaries holding elite seminars for visiting foreigners?

The situation seems more optimistic in Central Europe, where the NGO sector has developed on its own account. In the Balkans, where the transition from first-generation aid-related NGOs has only begun, the second-generation NGOs are notoriously weak. The organizations operate in uncertain conditions, and their links to mass member organizations are few. The situation is most acute in Kosovo, where hundreds of foreign organizations generated an aid industry and hired away potential NGO staff personnel, and where Kosovar local NGOs are extremely underdeveloped, both a legacy of Serb oppression but also a mirror of the hierarchical structures in Yugoslav society generally. In Romania and Albania we find a schizophrenic situation, an island of about 50–100 or so well-functioning organizations, in a sea of quasi NGOs, ersatz companies and a state which remains skeptical of the sector as such, but which works with NGOs because this attracts donors.

NGOs are part of the local scene. But can one say that they have helped create democracy in this part of the world? Part of the problem lies in the way Western democracy models are exported. We tend to believe that the export of foreign models is problematic because they are foreign, i.e. that they must be adapted to local conditions. I would argue, however, that the real problem with the export of foreign models is that they are models, simplified representations of reality, or worse, models for what we would like NGOs to be. Were we to study how Western NGOs really work we would find the same kind of dysfunctions as we find in Eastern Europe. For example, there is plenty of careerism in European NGO communities; Danish NGOs have extraordinary problems working together. We have no trouble accepting from a Danish NGO that receives 100% of its funds from the state that it is 'independent of government influence'. Were an East European NGO to tell us the same thing, we would say that it is simply a 'front', that there must be something behind the scenes. Certainly other East European citizens would assume this.

My point, then, is that the export of democratic models must be cognizant of what happens to these models when they reach their destinations, i.e. the context, but also the fact that we are exporting models at all. It is not implementing models that is the problem, it is a discussion of what models are all about. Without such discussions, NGOs and civil society development simply become the project of routines. To make civil society more than a grant category or a project, a discussion is needed of what models are all about. It was precisely such discussions that generated the 1989 situation in the first place. Overwhelmed by application deadlines and quarterly reports, it is this kind of discussion that is missing.

How to develop local NGOs

In the remainder of this paper I will try to give some examples of this capacity building process and discuss its implications. I will focus on local NGOs in transition countries, organizations that are often established with the support or tutelage of an international donor, mentor or actor. These may take the form of local branches of organizations such as Amnesty International or Helsinki Committees, or they may be fully autonomous branches with similar names, usually with the words 'human rights' or 'democracy' in their

titles. As the range of issues covered by these terms is growing, it is no accident that the number of organizations that focus on human rights has also increased. In Bosnia or the Caucasus, resettlement of internally displaced persons or refugees is now a human rights issue. The numerous associations of displaced Muslims, Croats, Serbs, Abhazians, Armenians and Azeris from Nagorno-Karabakh, etc. are therefore human rights organizations by their own definition.

The following remarks will apply to NGOs in four Balkan countries: Albania, Bosnia, Kosovo and Romania, but much of these comments will apply to the Caucasus, Central Asia and other East European countries. Like other parts of the world, the Balkans was largely devoid of civil societies, here understood to mean autonomous spheres of social action beyond the family. There existed some voluntary organizations, of course, and there also existed islands of intellectual life or religious charities, but the main social security was (and remains) networks of family, clan and friends who help people survive. NGOs evolved in some countries as part of protest movements, but even today, the hundreds of NGOs in the Balkans exist largely due to Western encouragement, and the most active NGOs are almost always tied to Western training, funding or institutional support. Those NGOs with large amounts of Western support function according to Western forms: they meet the donors' mission and financing requirements, the local governments' legal and tax regulations, and the needs of their target group and strategies of their boards. They are, to use the current terminology, increasingly 'professional'.

In the Balkans during the early 1990s, government institutions were often viewed as inefficient, crypto-communist or corrupt. Hence, considerable aid was channeled to civil society groups, aid that would ordinarily have gone to government institutions. This has led to mutual suspicion between government and the NGO sector. Some low-paid, harassed government officials are simply jealous of the Anglophone, conference-traveling, well-equipped NGOs with their Western salaries and project skills. As one Romanian government official told me regarding EU assistance to civil society organizations, 'The NGOs are taking our money'.³ In other ways, this jealousy by government hides a deeper mistrust of non-government organizations as 'anti-government' organizations. The strange character of the world of projects only complicates this relationship.

In no other sector has this tension between government and NGOs been so acute as in the field of rule of law and human rights. In other areas, environment, aid to children, health, assistance to socially vulnerable groups, the NGOs could easily be seen as supplementing the state in its efforts to improve quality of life. NGOs were cheap substitutes, service providers, just as so many NGOs supply public services in the West. In the field of rule of law and human rights, however, this parallel could not be extended. The presence of a human rights NGO directly contests the state. Human rights NGOs exist only because the state is inadequate, abusive, or is failing to respect international human rights agreements. Hence the tension between governments and these NGOs; and the need for precisely these NGOs to have backup in 'the international community', the kind of backup provided by major organizations, large donors and powerful states, who can exert pressure on the governments to accept the presence of, to cease harassing or to cooperate with NGOs pursuing rule of law and human rights.

Yet the backing of the international community is a double-edged sword. Human rights/rule of law NGOs are more dependent on international good will, contacts and symbolic resources than others. This may be because rule of law and human rights organizations tend to be small, composed of intellectuals, and linked directly to international counterparts in a way that large member associations to help pensioners, the handicapped, or to improve the environment are not.⁴

To the extent that rule of law NGOs do influence the government, they do so because they may have allies in the ministry of justice, often former members of the same NGOs now co-opted into new cabinet posts.

What kinds of people work in these human rights, rule-of-law organizations? Generally active, articulate, in their late thirties or early forties, Anglophone, and people whose parents or who themselves may have been victims as children of purged intellectuals or of ethnic minorities. Having learned the world of projects very well, they are often recruited into other posts among the elite cadres of the Soros Foundation, EU, USAID, or other foreign project-management organizations. For various personal and family reasons, these individuals have, like all of us, private projects as well. Many of these private projects are tied up with helping their children to study abroad, pursuit of a more stable employment situation, or entrepreneurial talents, which grow out of the frustration of living from project to project.

In most Balkan countries, even a low-level stipend as secretary or head of a local human rights organization is financially more rewarding than the salary of a state functionary or university lecturer. Hence, there are financial incentives for remaining in the NGO sector even if the ideological motivations may at times weaken due to fatigue or cynicism after many years.

Some conclusions

I will close by reiterating the need to study 'rule of law' and human rights NGOs as a new kind of 'global formation', a formation structured within this 'world of projects'. No study of how NGOs influence the local political situation can be understood unless we understand how even local NGOs are reproduced out of global forces and how they appropriate the talk, the knowledge and the resources of the international community, albeit in limited or altered form. Nevertheless, I would submit that it would be counterproductive to measure the degree to which local NGOs deviate from some standard of 'international norms' as our primary frame of reference. The idea of 'international norms' is itself a symbolic construction used in the practical world of power-wielding. Like the 'royal We', the 'international' always belongs to somebody. What is international is not the norms but the forms.

In this situation, our task is to understand that even the most localized rule-of-law conflicts are integrally related to global forces, and that these global discourses and resources can be utilized in local power struggles. NGOs and rule-of-law conflicts are but a new variation on a very old story. The real task is to discover how these international forms contribute to or inhibit the emergence of genuine locally rooted norms and practices. Global democracy promotion efforts in the global world of projects may either inhibit the emergence of democratic practices or stimulate them. This means that the real global/local interface involves which definitions or discourses triumph over the long term. Has the spread of democratic 'seeds' only created an isolated class of human rights NGOs that have 'lifted off' from their society, becoming enmeshed in the global NGO scene? Or has there occurred a genuine grass-roots development in which ordinary people actually use the NGOs to solve problems – i.e. civil society? In fact, both these tendencies are visible, but I am personally afraid that the emergence of a new global class of NGO elites is making the achievement of local rule of law that much more problematic. We must therefore remain cautiously . . . very cautiously . . . optimistic.

Notes

1. In many NGO projects, donors make lists of local NGOs. In Kosovo, however, I have been involved in producing a 'Donor Handbook' containing information about donors for use by local Kosovar NGOs. The handbook contained basic information on donor priorities and application procedures. Extraordinary here was that some international donors neglected or simply refused to provide elementary information and had to be subject to embarrassing pressures on the part of other international actors. This is only to say that power struggles in the world of projects are not simply between international donors and local supplicants for funds, but also among donors themselves, encapsulated in their eternal mantra about the need for 'more donor coordination'. The question, as always, is who coordinates whom.
2. The USAID program for democracy promotion in South East Europe was actually called the SEED program.
3. To which I was compelled to remind him, as a taxpayer living in an EU country, that it is actually 'my money'.
4. It is hardly accidental, for instance, that the key activists in all the Balkan human rights organizations have near-native competence in English and they frequently travel abroad to conferences, whereas those in other types of NGOs can function without having to speak English and tend to be more provincial.

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