

Civil Society and EU accession – Moving beyond the “box-ticking” practice

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Background

Civil society involvement in national policy and decision making processes in the Western Balkan (WB) countries is still far from a well-established practice. Despite the slow pace and often questionable sustainability, the “tango” between civic and political actors would have been a way too difficult “dance” without the European integration perspective. The European Union (EU) accession process has therefore offered a response to what the two stakeholders seemed to desperately need - a motivation for political actors and instruments for civil society. It also provided for an “experimental platform” to test and improve “civil society-state actors’ exchange” by promoting civil society role not only through financial support but also through encouraging consultations and participation in the policy cycle.¹

Regrettably the process did not deliver substantially in the policy making domain. As the EU is seeking to “refresh” consultations, national political actors are still holding on to their reluctance while civil society increasingly frustrated by a formal process. The European Commission (EC) has recently² recognized the need to combine financial and political means to tackle civil society development by including also specific benchmarks under the Political criteria. Yet, doubts still persist over the effectiveness of such benchmarks and over the (lack of adequate) safeguarding mechanisms to ensure qualitative inputs from non-state actors and higher receptiveness by political players.

EC’s recent approach to civil society development is a welcomed first step. However, this risks to being just that, should key players fail to learn from the past and take harmonized actions in the future.

Executive Summary

The process of transforming “civil society involvement in decision making and EU accession” into a meaningful mechanism that serves to improve capacities of societal actors and citizen driven reforms does not seem yet to reflect on “past mistakes”. Efforts must look deeper in the local context and move beyond sporadic actions and emergency solutions that fail to deliver on sustainability.

An adequate framework to achieve this implies that key stakeholders – EU, WB political players and non-state actors – must approach as partners the political process of EU accession. Brussels and political actors in the region must go beyond the understanding of civil society as a recipient or a target group of their efforts. Non state actors must prove their case as a resourceful stakeholder in the consultations on EU accession reforms through greater focus on constituency building, capacity and intra-sectoral development.

¹ The 2007 Enlargement Strategy of the European Commission identifies civil society development and civil society dialogue as a core priority of the Enlargement policy. See EC Enlargement strategy and main challenges 2007-2008: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/strategy_paper_en.pdf.

² EC Communication “The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations”, COM(2012) 492 final.

Reality check: What went wrong?

Looking at the challenges of civil society sector in the WB region it becomes clear that the existing format of “**civil society involvement in EU accession**” in certain aspects appears **too optimistic**. Various assessment reports on civil society in the region – such as the USAID CSO Sustainability Index (1997-2012) covering all WB countries and the CIVICUS Civil Society Index covering Albania, Macedonia, Croatia and Kosovo in the last 2008-2010 wave – suggest that the third sector is **failing to deliver on impact and citizens engagement**. The **legal and policy environment** where civil society operates appears still problematic in most WB countries.³ **Public trust** in civil society is less than 50% and more specifically, according to CIVICUS (2008-2010) – Croatia 14.4%; Macedonia 30.9%; Albania 32.4% and Kosovo 45.4%. Further, the extent to which citizens in these four countries **engage with civil society** is rather low – Croatia 14.8%; Macedonia 25.3%; Kosovo 20.6%; Albania 22% (CIVICUS 2008-2010).⁴ Despite the record low levels of trust in political parties (much less than in civil society), citizens still tend to **engage more in political activism** (as opposed to civic activism) – Croatia 19.3%; Macedonia 30.8%; Kosovo 21.63%; Albania 27.3% (CIVICUS 2008-2010)⁵.

Contextualizing the data – It may be a “heavy burden” for civil society to push for reforms under a not-so-friendly environment for CSOs. Given the low level of public trust and civic engagement in the region, civil society cannot adequately deliver on the expectation for citizens’ participation in decision making and EU accession. The low levels of civic engagement call for more vibrant actions to encourage the development of grassroots organizations. However, this is unlikely to be achieved through support schemes which application rules are understood and can be managed only by a handful of local CSOs (and not by grassroots). This becomes an even more pressing issue given the fact that the vast majority of CSOs in the region are non-membership based while those few membership-based ones maintain a low profile due to lack of capacities and resources. CSOs themselves must also rise to the expectations to meet the same accountability and governance standards they promote. They must additionally move towards defining a local agenda responding to citizens’ needs instead of donor priorities.

The existing format of “civil society involvement in EU accession” cannot adequately deliver as long as political actors are highly unreceptive and even skeptic about civil society inputs. Beyond any doubt, the consultation and involvement process in WB societies will long struggle to become effective, should the key stakeholders (national governments, EU and civil society) fail to overcome concerns, misconceptions and also “myths” related to civil society environment, capacities and impact. To illustrate this point – Adopting laws that do not translate in practice cannot improve civil society environment; EU technical assistance and capacity building alone (without flexible support mechanisms and enabling environment) will not increase grassroots activity in remote areas. Other facts that are often ignored in the WB region are displayed below:

³ According to USAID CSOs Sustainability Index 2012, except Serbia and Montenegro where legal environment has been improving in the past 3 years, CSOs in the region are faced with deteriorating or stagnating legal environment. Data available at <http://www.usaid.gov/europe-eurasia-civil-society/cso-sustainability-2012>.

⁴ Data refer to “Extent of socially-based engagement”.

⁵ Data refer to “Extent of political engagement”.

Myths vs. Facts 1.

The assumption that WB CSOs' capacity building on EU accession must start from scratch does not respond to local needs for tailor made approach. Reality suggests that the main problem in this context is lack of such capacities or even existence of CSOs covering "less attractive" thematic areas and peripheral geographical regions. Such capacity building for CSOs may be done, probably with much less costs, by the existing resourceful CSOs in the main urban centers of a given WB country.

Myths vs. Facts 2.

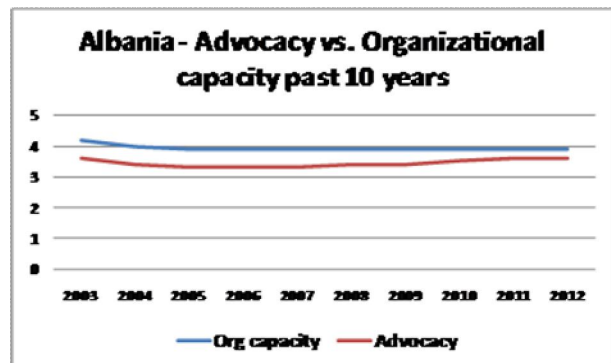
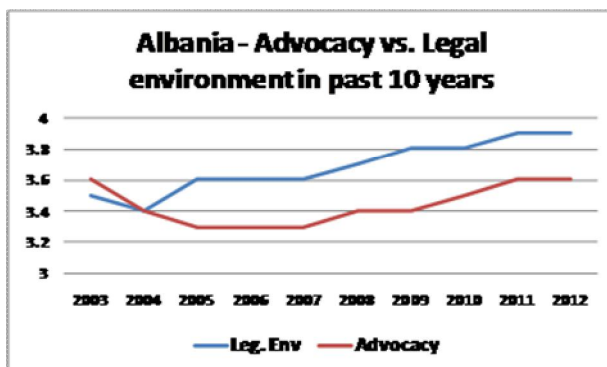
CSOs in the region have developed a strong sense for "expertise-delivery" in the EU accession domain. As the EU technical assistance to state and civil society in the region mostly relies on the expertise from EU member states, WB intra-regional exchange is under-used. The chain of WB experience sharing started years ago with Slovenian state and non-state actors offering expertise to Croatian and Macedonian peers; and now Albanian, Serbian and Montenegrin CSOs are looking at the Croatian / Macedonian experience.

Myths vs. Facts 3.

Data suggest that the decreasing impact of civil society in the region is not a matter of (lack of) capacities, but rather a consequence of worsened legal, policy and political environment. The charts below illustrate such direct link between the state's worsened performance on "legal environment" and CSOs' declining "advocacy", as well as the lack of such relation in the case of advocacy versus CSOs "organizational capacities" over the past 10 years in Albania and Macedonia.

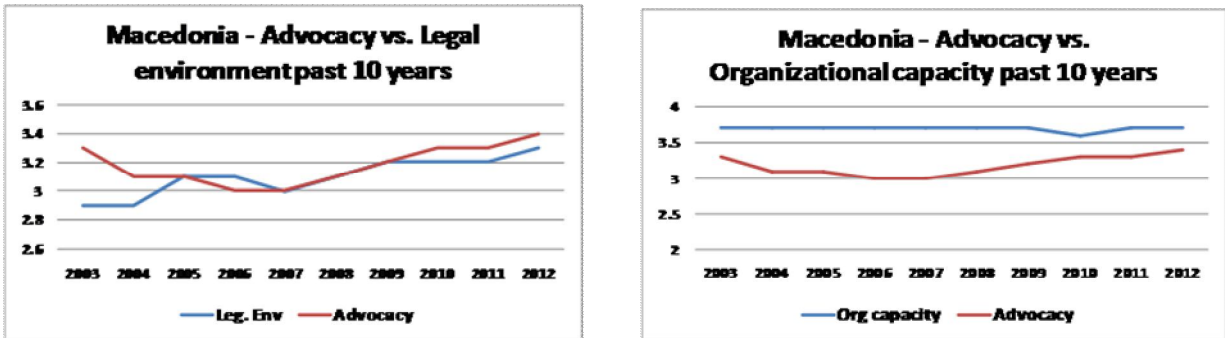
(USAID CSOs Sustainability Index employs a 1 – 7 scoring scale where 1 implies the best score.)

Case of Albania 2003 – 2012



Source: USAID CSOs Sustainability Index 2012

Case of Macedonia 2003 – 2012



Source: USAID CSOs Sustainability Index 2012

Some of civil society concerns in the region have only recently entered the agenda of EU assistance programs, such as ensuring an enabling environment for CSOs. Yet, very few of them have made it to the EU agenda of political relations with WB countries. The EC recognizes⁶ the need to **combine financial (IPA CSF) and political means (monitoring via Progress Reports)** to tackle civil society development and has translated this priority into specific benchmarks under the Political criteria for most of the Enlargement countries. However, quoting a recent BCSDN (Balkan Civil Society Development Network) report, "the main challenge and debate is about how useful and effective are the specific benchmarks; whether they provide effective support to the existing efforts of local civil society in advancing civil society dialogue and development and finally, how much emphasis and priority is given to fulfillment of these benchmarks".⁷

In its capacity as "sponsor" of the civil society involvement in EU accession reforms, Brussels must push governments in the region to fast-track solutions for the above challenges of civil society, starting with ensuring an enabling environment for civil society and civic activism. In doing so, EU must make a clear point that the "enabling environment" is not considered a mere "capacity building challenge" (tackled through technical assistance), but rather a "democracy standard". In this sense, while the role of EU-funded TACSO (Technical Assistance to CSOs) project is welcome, addressing the worsening environment for civil society and civic activism in the region is a way too heavy burden for TACSO shoulders. Additionally, EU must adjust its financial and other assistance so as to partner with governments and civil society efforts to address these challenges in a sustainable way. The process of transforming civil society involvement in EU accession reforms into a meaningful mechanism that delivers on improved capacities of societal actors and citizens expectations for efficient and participatory reforms must therefore start from here.

⁶ EC Communication "The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations", <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>.

⁷ BCSDN Annual review of EC Enlargement Strategy Paper and Progress reports 2012. Document available at: http://www.balkancsd.net/images/EC_Enlarg_Package_2012-2013_analysis.pdf.

How to move beyond the formal box-ticking?

WB countries have established different **mechanisms and practices for civil society involvement** in the policy and decision making processes. These mechanisms, sometimes a “copy-paste” of the Croatian experience, vary from formal cooperation bodies or practices with defined consultation procedures (e.g. Serbia, Macedonia, and Montenegro) to very vague and sporadic process of consultations (Albania). Achievements and results in this context vary from country to country and also from one policy area to another. Accordingly, civil society and state actors particularly in the less advanced countries can learn from their experiences. But, so can the EU as well.

While EC progress reports repeatedly take notice of “insufficient consultations” of laws or policies and “room for improvements” in the relations between state and civil society actors, further **pressure on state actors** to move beyond “formal box-ticking” is often lagging behind. Furthermore, the donor community (including EU as the main one) and state actors’ approach to civil society support has so far dealt mostly with the consequences and has thus failed to look at the broader environment which is persistently producing barriers to civil society involvement in policy making process. Understanding such environment and acting to address existing concerns must take place under a civil society development (instead of mere financial support) concept with shared responsibilities among the three actors.

Ultimately, through acting on the above challenges, the process of setting up (or improving the existing) frameworks for cooperation and involvement of civil society in policy making has to evolve with **more clarity on roles and expectations** and by eying at **improved capacities of participating actors** (within and beyond formal consultative structures), in addition to enhanced reforming processes and sustained results as the fundamental goal. With more countries likely to advance in the EU accession process over the next 3-5 years, Brussels must look at closer relations with civil society in the region by acknowledging not only their **capacity to deliver inputs** but also to ensure quality and sustainability of reforms through participation and “**performance screening**” of state actors. Strengthening **safeguarding mechanisms** that put pressure on participating actors to deliver on quality of consultation and exchange process between state and non-state actors also appears an imperative for EU.

As challenges are manifold and inclusive, the **recommendations** below call for more coordinated efforts of all key stakeholders – state, civil society and EU:

1. Embark on coordinated and **partnership-oriented approach to civil society development** by addressing concerns over the enabling **environment** for civil society, its **internal development** challenges and its **ability to link with constituencies** of citizens nationally on the basis of **locally-generated agenda**.⁸
2. Consolidate **networking and exchange** practices within civil society to improve **inputs** to EU accession reforms and policy making that materialize both, the necessary degree of **expertise** (offered by think tanks and other specialized centers) and constituency **support** (ensured through vibrant membership-based CSOs)

⁸ A set of baseline recommendations may be drawn by the Albanian experience as elaborated in IDM Policy Brief “What are donors, state and the civil society getting wrong?” (January 2013). Policy brief available at http://idmalbania.org/sites/default/files/publications/pb_gjv_jan_2013.pdf.

3. Improve “status” of state-civil society (and other non-state actors) consultations at Executive and Legislative level (local or national) by laying emphasis on measures that help participating actors to deliver on **sustained reforms** and on **improved capacities** of key societal actors to cope with challenges and to use benefits of EU accession process / EU membership.

A concrete (and yet, non-exhaustive) **‘to-do-list’ of actions** that will translate into practice these recommendations include:

1. EC progress reports must include a **separate section on civil society**, assessing government efforts and **results** in civil society development against a framework of **benchmarks** that goes beyond the “minimum standard” and is adequately **safeguarded** by concrete mechanisms;
2. In addition to technical assistance, EU must look at options for **flexible and direct support programs** for grassroots and other CSOs operating in remote areas, including also CSOs working on underdeveloped thematic priorities;
3. Involvement of non-state actors in policy making and EU accession reforms must take place under **clear and binding rules** at all levels (local/national and Executive/Legislative). The EC monitoring and assessment in this regard must set concrete benchmarks of the **extent, thoroughness** and **results** of the consultation process;
4. Civil society and state actors must find the right balance between revitalizing the existing consultative joint structures and establishing new ones, in both cases by ensuring greater **clarity of roles**, smooth **coordination** and tangible **impact** in the EU accession.
5. Brussels and WB governments must enable civil society actors to engage in continuous **“performance screening”** of reforms both, prior and (especially) following the opening of accession negotiations.
6. While civil society actors must improve their inputs to EU accession process through closer intra-sectoral exchange and links with constituencies, WB Governments and Brussels must ensure **inputs do not remain on paper**, not least by using adequate safeguarding mechanisms;
7. Involvement of non-state actors in EU accession negotiations must translate into concrete tasks for stakeholders involved to serve as a **capacity-catalyst** and **information-resource** for **broader audiences** of (private and civic) societal actors and citizens.

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