

How can Kosovo improve consultation and engagement of stakeholders in the EU accession negotiation process?



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1. Introduction

Kosovo formally submitted its bid to join the European Union (EU) in December of 2022¹, seven years after the Stabilization and Association Agreement (SAA) between Kosovo and the EU was signed in 2015². Development of the civil society and democratization is one of the key commitments of Kosovo in the framework of the SAA³. Following the entry into force of the SAA in April of 2016, Kosovo government approved the Regulation for the Functioning and Representation of Government Institutions of the Republic of Kosovo in the Stabilization and Association Structures⁴. The regulation emphasizes the importance of consultation and information sharing with civil society organizations and other stakeholders.

Engagement with civil society organizations (CSOs) or non-government organizations (NGOs) has been central to EU's approaches, especially since the Maastricht Treaty's (officially known as the Treaty on European Union) signing in 1992, which introduced the concept of European citizenship to enhance citizens' interaction with the EU institutions⁵. CSOs' participation in EU's work, including accession negotiations, aims to diversify perspectives in consultations and decision-making, prioritize non-economic concerns, and cultivate broad public engagement and a sense of ownership. This approach stems from the belief that a robust civil society signifies a functional democracy.

In the accession negotiations, civil society can offer important insights, act as a watchdog, and foster the legitimacy of the process by facilitating inclusions and participation of different stakeholders in the society. As such, the EU seeks to foster cooperation between public institutions and civil society in candidate



The enlargement region faces a range of challenges in fields such as the rule of law, including judicial independence, fight against corruption and organised crime, and media freedom, as well as economic development, environmental protection, and social cohesion. Civil society can make a substantial contribution to addressing these, through advocacy, monitoring, innovation, services, and oversight activities"

countries, to foster domestic democratic performance. In terms of practices, many non-government organizations (NGOs), begin by implementing advocacy campaigns at the national level. However, the experiences from other countries suggest that NGOs with established access at the national level can expand their networks at the EU level, establishing a direct link to EU decision-makers.

1 Reuters. (2022, December 15). Kosovo formally applies to join EU. Available at: <https://www.reuters.com/world/europe/kosovo-submits-eu-membership-application-2022-12-15/>

2 Andrew Macdowall. (2015, October 27). Kosovo signs EU association agreement: Brussels embraces Kosovo in a bid to stabilize the Balkans. Politico. Available at: <https://www.politico.eu/article/kosovo-eu-association-agreement-europe-member-nato/>

3 Stabilisation and Association Agreement between Kosovo and the European Union. Available at: https://integrimievropian.rks-gov.net/wp-content/uploads/2022/08/20171027102556_kosovo-eu_saa_final_en.pdf

4 Regulation (GRK) - NO. 13/2016 for the Functioning and Representation of Government Institutions of the Republic of Kosovo in the Stabilisation and Association Structures. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15063>

5 The citizens of the Union and their rights. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/145/the-citizens-of-the-union-and-their-rights#:~:text=Like%20national%20citizenship%2C%20EU%20citizenship,righ%2C%20duties%20and%20political%20participation.>

Existing research holds that, despite EU support during the accession process, CSOs in Central and Eastern European (CEE) enlargement countries remain comparatively weak compared to counterparts in established democracies. These studies suggest that while EU-induced policy reforms have facilitated involvement from established actors in multilevel politics, they have also exacerbated some of the existing barriers faced by CSOs, such as inadequate sustainable income, lack of real impact on policy substance in the government decision-making processes, and weak grassroots support.

In June 2022, the European Commission issued Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027, which holds that: *“The enlargement region faces a range of challenges in fields such as the rule of law, including judicial independence, fight against corruption and organised crime, and media freedom, as well as economic development, environmental protection, and social cohesion. Civil society can make a substantial contribution to addressing these, through advocacy, monitoring, innovation, services, and oversight activities”*⁶. These guidelines emphasize the need for the EU to provide support for civil society, focusing on strengthening participatory democracy. The EU support seeks to position civil society as a pivotal player in the enlargement agenda, aiding candidate countries in meeting EU conditionality criteria and objectives.

This paper delves into the experiences of specific countries in the region regarding civil society's role, media, and other stakeholders in EU membership negotiation processes. It also examines CSOs' contributions to policymaking following their countries' EU membership. The paper spotlights Slovenia, Croatia, Bulgaria, and Romania, nations that underwent integration over a 10-year span, initially under single-party governments until 1995. Furthermore, the paper seeks to provide food for thought for the Kosovo government how it can further improve consultation and engagement with civil society and other stakeholders in the EU accession negotiation process, based on lessons learned from other countries.

⁶ DG NEAR Guidelines for EU Support to Civil Society in the Enlargement Region 2021-2027. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/EU-Guidelines-for-Support-to-Civil-Society-in-the-Enlargement-region-2021-2027.pdf>

2. Examining the experiences of other countries

This section examines the experiences of Slovenia, Croatia, Bulgaria and Romania, in engaging non-government stakeholders in the European accession negotiation process. The purpose of this section is to identify the main lessons learned from the approaches of these countries for the government as well as the civil society.

The case of Slovenia

Slovenia became a member state of the European Union (EU), in 2004, when the EU was enlarged with ten new members. One of the factors that provided a significant contribution to Slovenia's success is the European integration process was the vibrant civil society sector, fostered by a culture of cooperation with public institutions. Slovenia boasts one of the highest numbers of CSOs per capita in Europe. The "civil society" entered Slovenian discourse during the economic and political upheavals of the old socialist regime, spanning from the late 1970s to the late 1980s. During this period, the term primarily referred to newly emerging, autonomously organized interest groups that actively aligned with socio-political movements opposing the single-party socialist regime. Accordingly, civil society in Slovenia, arguably, emerged from the grassroots and exhibited vibrancy well before the 1980s.

The interaction with EU-level umbrella CSOs has significantly enhanced the influence and visibility of national CSOs in the policymaking sphere since the mid-1990s.

However, while numerous statistics showcase the vitality of the Slovenian civil society sector, the practical inclusion of CSOs in decision-making processes, either at the national or EU level, remains somewhat vague. Previous studies have revealed scant evidence of Slovenian CSOs enjoying direct access to EU institutions. The Europeanization process has substantially impacted CSOs in Slovenia. This phenomenon has transformed institutional opportunity structures, internationalized segments of CSOs, influenced the political culture within CSOs, altered their organizational modalities, and shaped their influence over EU policies and national-level policymaking.



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As per Slovenia's legislative framework for coordinating EU affairs, Slovenian civil society actors find themselves excluded from the formal process of shaping national positions on EU legislative proposals. The current legislation governing executive-parliamentary relations and existing internal governmental regulations pertaining to EU affairs fail to allocate any role to civil society actors. Consequently, CSOs engage in a proactive approach, employing diverse strategies to influence decision-makers on bureaucratic and political fronts. Even if CSOs are unsuccessful during policy formulation and negotiation stages, they can still advance their interests by actively participating in the transposition of European legislation in national legislation or in the subsequent policy implementation phase. Unlike the EU regulations, EU directives acknowledge the differences in member states' legal and administrative systems, providing some room for adaptation in line with their interests⁷.

7 Meta Novalk and Damjan Lajh. (2018). The Participation of Slovenian Civil Society Organisations in EU Policymaking: Explaining their Different Routes. *Journal of Contemporary European Research*. Special Issue. Vol. 14 No. 2, p.110

The European Commission also underscored the pivotal role of NGOs, acting as agents of civil society, in informing and enhancing the understanding of EU institutions, policies, and values among the general populace in Slovenia. During the accession process, the Slovenian Government Communication Office collaborated extensively with multiple NGOs to disseminate information about European institutions and related matters. The partnership between Non-Governmental Organizations and the Government is primarily aimed at fostering an open accession process, marked by substantial citizen participation and involvement of their respective organizations. This approach facilitated better awareness among Slovenian citizens about the contributions they could make through their CSOs⁸.

The Slovenian Government's approach of engaging with NGOs was hailed as a success, involving 164 such organizations that participated in 31 working groups responsible for preparing negotiating positions. This newfound partnership between civil society and the state held particular significance for Slovenia, as civil society had previously existed in a divided and fragmented manner during the country's transitional phase. Beyond this, the renewed relationship signaled the state's willingness to confer a voice upon civil society and acknowledge its insights and expertise, particularly in the country's accession process.

Furthermore, despite the general lack of political engagement and attention toward civil society in the country, the Slovenian Government extended considerable support to involve civil society in the accession process. This recognition of the importance of the EU accession process and the contributing potential of civil society accompanied a platform for active participation. During the accession process, the Slovenian Cabinet empowered the Government Office for European Affairs to enhance collaboration with civil society and NGOs. This move aimed to establish a conducive legal and financial environment for civil society organizations to operate within. The government's expectation was that NGOs would demonstrate heightened expertise, becoming stronger partners in collaborative efforts to secure the country's accession to the European Union. This expecta-

tion was met by Slovenia's 'third' sector, which effectively worked alongside the government in the accession process, leveraging its considerable expertise and often assuming a consultative role. Notably, the financial and political backing provided by the government was crucial, given that many of these organizations were young and had been registered after 1990. Consequently, funding from the government enabled these NGOs to remain operationally sustainable and contribute effectively to the accession process without facing significant financial constraints.

Moreover, the Slovenian Government enabled NGOs to partake in the Common Consultative Committee of Socio-Economic Interest Groups, comprising members from the Socio-Economic Committee of the European Union, representatives of social partners, the Chamber of Agriculture, and a representative of Slovenian NGOs. This underscored the Slovenian Government's initiative to recognize the capacities of civil society and incorporate it into interactions with European institutions as an integral part of the accession process.

The cases of Bulgaria and Romania

The EU accession and membership journey of Romania and Bulgaria have unfolded uniquely. Although they officially joined the EU in 2007, after the Accession Treaty was signed in 2005, these countries, more than 13 years into their EU membership, have yet to become part of either the Schengen area or the Eurozone. The primary reason for their exclusion from these crucial areas is the less than favorable assessment of their progress toward achieving the standards of a functional democracy. Persistent issues related to corruption and organized crime have cast a shadow, as evident in the recent Freedom House report - Nations in Transit 2020. This report categorizes both Romania and Bulgaria as semi-consolidated democracies. The Accession Treaty introduced the Cooperation and Verification Mechanism (CVM) for these countries, aiming to continue the reform process, ensuring benchmarks were met post-accession. Thus, CVM served a role akin to the pre-accession process for current candidates like Albania and other Western Bal-

⁸ Rajendra, Yogambigai. (2016). Does civil society strength facilitate EU accession for the Balkans? Lessons from Slovenia and Croatia

kan countries. The EU viewed CVM as a transitional instrument to guide the new Member States toward the diffusion and implementation of EU norms and standards despite their official membership status. The European Commission has maintained pressure on both countries through the periodic publication of comprehensive reports assessing their progress under CVM. These reports evaluate benchmark achievement and include recommendations for Bulgarian and Romanian authorities. The inaugural CVM report was issued on June 27, 2007, with each subsequent report undergoing discussion and endorsement by the Council.

In the 2000s, Bulgaria and Romania's accession process took a top-down approach. Governments negotiated with the EU, passing legislation through parliament through often intricate bargaining to accommodate varying political interests. This legislative maneuvering allowed some room for political leeway. Civil society played a considerable role yet was then represented primarily by the crop of NGOs from the 1990s - professionalized, funded from Western sources, and integrated into transnational networks. A case in point is the Coalition for Clean Parliament (CCP), active in Romania during 2004-2005. Orchestrated by the Romanian Academic Society (SAR), a prominent research and advocacy think tank, CCP began as an initiative to screen candidates in local, parliamentary, and presidential elections of 2004. Subsequently, it aided Minister Monica Macovei in shaping her anti-corruption strategy, infusing momentum into reform efforts at a critical juncture⁹.

Bulgaria's NGO sector is relatively young, characterized by limited organization, unity, and reliance on government and regional authorities. The resurgence of the Bulgarian civil society sector followed the transformations of 1989. After 45 years of communist rule stifled Bulgarian civic energy, the post-communist era witnessed the initial enthusiasm for civil society's revival and rapid growth of CSOs.

Around the time of Bulgaria's EU accession in 2007, the sector faced a crisis. Foreign donors, both public and private, diminished or withdrew their support, while the sector's transition agenda seemed exhausted. The economic crisis, coupled with the challenges of EU membership for a nascent, unconsolidated democracy, bestowed new purpose upon the sector. Currently, it strives to recover from this crisis by innovating new organizational structures, mobilization strategies, thematic emphases, and funding sources. The erosion of trust - in institutions and among people - accompanied by low citizen participation in CSOs, sheds light on the environment in which Bulgarian CSOs function.

Interestingly, Bulgaria's accession to the EU in 2007 triggered a paradoxical process of regression. The departure of foreign donors signaled what was interpreted as the end of a prolonged transition to a mature democracy with a functioning market economy, supposedly capable of sustaining the CSO sector independently. Together with an underdeveloped culture of private donor support, the economic crisis led to a deterioration of the CSO landscape. This sector struggled to maximize access to EU funds due to organizational limitations or administrative obstacles with national program operators. Nevertheless, numerous organizations, primarily in advocacy and social services, bolstered their presence and influence during this period.

Bulgaria's EU accession was celebrated as a triumph, a result of the concerted efforts of numerous NGOs that actively championed EU values. However, the subsequent withdrawal of foreign donors ushered in a period of financial challenges for NGOs that had predominantly relied on such funding.

In Romania's post-1989 landscape, sweeping political, economic, social, and security reforms marked the transition from communist dictatorship to democracy and from a command economy to a market-driven one. Throughout this transformation, civil society organiza-



In the 2000s, Bulgaria and Romania's accession process took a top-down approach. Governments negotiated with the EU, passing legislation through parliament through often intricate bargaining to accommodate varying political interests.

⁹ Dimitar Bechev. (2020). Bulgaria and Romania EU accession; lessons learned. European Movement Albania (EMA) and Hellenic Foundation for European & Foreign Policy (ELIAMEP). p. 11

tions played a pivotal role in shaping Romanian society, evolving continuously over the past 26 years. In the early 1990s, the public agenda in Romania revolved around the “political transition,” the resurgence of political and social rights, the establishment of private profit and non-profit entities, and the establishment of a market economy, along with security transition concerns related to NATO integration.

Between 2000 and 2008, Romania's focus shifted to EU accession. This period witnessed the emergence of a consolidated non-governmental sector, effectively influencing diverse policy domains. Notable legislative advancements during this era include Law 544/2001 on Free Access to Public Information and Law 52/2003 on the Transparency of Decision-Making in Public Administration. The replacement of the outdated legislative framework from 1929 regulating associations and foundations with GO 26/2000 modernized and streamlined the registration processes. However, the drastic reduction in technical assistance programs and international financial support, triggered in part by Romania's EU accession, created challenges for civil society organizations, threatening their development programs.

The case of Croatia

The resurgence of civil society in Croatia occurred during the early 1990s, with CSOs prominently engaged as humanitarian organizations. International support provided financial and technical assistance during this period. However, the 1990s presented adverse socio-political conditions for civil society's growth. Tensions between CSOs and the government bred mutual distrust and conflicts. The early 2000s marked a turning point, as CSOs gradually gained a more significant role in governance. This shift coincided with the development of a more favorable legislative, tax, and institutional framework. Yet, enduring challenges such as low levels of trust and the limited capacity to build social capital have acted as persistent barriers to the advancement of Croatian civil society. Recent legal and tax changes have once again

imposed constraints on civil society and freedom of association. These developments have been accompanied by a negative media portrayal of civil society, particularly during times of crisis. Croatia's process of EU accession and subsequent membership since July 2013 spurred Europeanization across various policy domains, including those concerning civil society. Furthermore, European Union funding is expected to play an increasingly significant role in the near future. Notwithstanding these challenges, CSOs in Croatia have assumed a meaningful role in service provision over the past quarter-century, addressing unmet social needs and driving social innovation. As professionalization among CSOs continues to grow, fueled by available EU funds and legislative trends toward greater bureaucracy and professional standards, the role of CSOs in personal service provision is poised for expansion. This aligns with the anticipated trend of growing professionalism within CSOs.

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The influence of CSOs is notably evident in key priority areas such as social policy, environmental protection, and human rights. In these domains, civil society acts as a trailblazer, establishing new institutional structures to address escalating societal needs. However, civil society has yet to fully realize its potential as a watchdog, holding both government and corporate sectors accountable. The prevailing mistrust within Croatian society extends to CSOs. CSO members do not consistently uphold or promote higher civil norms and values compared to non-members, rendering them less effective generators of bridging social capital.

Croatia's accession to the EU in 2013 marked a significant milestone, making it the second country from the former Yugoslavia to join. Croatia's EU membership is often hailed as a success story, serving as a model for other Balkan nations. Within a decade, Croatia fulfilled the stages of the EU accession process, culminating in its entry on July 1, 2013. The negotiation process, spanning from 2005 to 2011, included the signing of the Accession Treaty in 2011 and a subsequent referendum on January 22, 2012, where 66.27% of citizens voted in favor of EU accession. The Croatian Parliament ratified the Treaty unanimously on March 9, 2012. Nevertheless, the acces-

sion process faced criticism for its lack of transparency and limited engagement with non-state actors and civil society. The Negotiation Framework failed to incorporate the principles of transparency, confidentiality, and information exchange, leaving civil society actors unclear about their roles and involvement. The only avenue for civil society engagement was the negotiation structure established by the government, including the Working Groups for the Preparation of Negotiations on EU Acquis chapters. These groups involved approximately 1800 experts, of whom one-third represented non-state actors like CSOs, businesses, and academia. However, their roles were often undefined, and their contribution varied, leading to some instances of limited involvement. A 2009 survey of CSOs in Croatia revealed that 44% did not follow the negotiations process due to a lack of invitations, information, expertise, and capacity.

Prior to the signing of the Stabilization and Association Agreement (SAA) in 2001, Croatian foreign policy did not explicitly prioritize EU accession. In the pre-negotiation phase, European matters were rarely discussed in public discourse. However, civil society organizations (CSOs) played a significant role in addressing issues related to democracy, human rights, minority rights protection, war crime prosecution, discrimination prevention, and anti-corruption efforts. These issues, initially championed by CSOs and a handful of citizens, eventually entered the mainstream political agenda. At the outset of the negotiation process, some CSOs fervently advocated for increased transparency and public awareness, but these efforts were met with resistance from both ruling authorities and the European Commission. The concern was that negotiation details could be manipulated through media coverage, potentially eroding public trust in the EU. Consequently, CSOs turned their focus to resolving democracy and human rights protection issues through independent initiatives or small coalitions. During this phase, CSOs recognized that certain international human rights protection standards were not included in the EU's minimum requirements. Additionally, Croatia's legislative alignment with EU standards often entailed adopting only the minimal requirements stipulated by EU directives. Notably, the Law on the Prohibition of Discrimination surpassed EU minimal standards, covering a broader scope.

The challenges extended beyond involvement; communi-

cation with citizens regarding the EU and the implementation of communication strategies faced obstacles. Key negotiation documents were not publicly available, limiting opportunities for open debate and discussion among various stakeholders. The populace lacked sufficient information about the EU, leading to difficulties in forming informed opinions on membership. This information gap contributed to a decline in public support for EU membership over the years and resulted in a low turnout during the referendum on Croatia's accession to the EU. The referendum, a significant event, saw participation from less than half the population, approximately 43.5%. The National Foundation for the Development of Civil Society, in collaboration with the European Citizen Action Service (ECAS) from Brussels, conducted a quantitative research project in March 2008 focused on civil society organizations (CSOs) and the implementation of the partnership principle in EU neighboring countries. Some key findings from the research include the following:

- A majority of CSOs (76%) were founded after 1995, with around 65.6% of CSOs having up to five employees.
- The areas of focus for CSOs in the study were primarily human rights (27.1%), followed by social services (25%), and education (22.9%).
- Consultation with CSOs during the formulation of strategic documents was rare (86.5%). When consultation occurred, ideas were generally considered, often through written procedures. Opportunities for participation in EU external policymaking were seen as primarily tied to knowledge of NGO needs (29.2%), while insufficient information on participation opportunities remained a significant problem (22.9%).
- Monitoring of EU external policy by CSOs was limited, with only 6.2% of CSOs being included. Like participation, knowledge of CSO needs was seen as a crucial opportunity for monitoring (27.1%), and insufficient information was identified as a primary obstacle (25%).
- Only a small percentage of CSOs (10.4%) were consulted during the creation of external support programs like the IPA MIPD (multi-annual indicative planning document) and IPA multi-annual and annual action programs. Among the consulted CSOs, ideas from about half were incorporated.

Some lessons from the cases of Croatia, Slovenia, Bulgaria and Romania

Civil society in Slovenia had a strong foundation, with historical roots going back to before the 1980s, resulting in a high number of CSOs per capita. Collaboration with EU-level umbrella CSOs has increased the visibility and influence of national CSOs in policymaking processes in Slovenia. While Slovenian civil society is vibrant, direct access to EU institutions for CSOs remains limited. Membership of Slovenia in the EU has led to changes in institutional structures, political culture, and organizational modes within Slovenian CSOs, but also in CSO-Government relations for the better. Proactive government engagement with CSOs during the accession process improved cooperation and information sharing.

Prior to the initiation of accession negotiations with the European Union, it was noted that civil society actors, including CSOs in Slovenia, operated in a fragmented and disunited manner (European Commission, 2013). However, as the accession process unfolded, there was a growing recognition of the significance of partnering with NGOs.

This heightened awareness led the Slovenian Government to endorse the establishment of the Centre for NGOs in Slovenia. This government-led initiative serves as a prime example of the importance not only of highlighting the role of civil society and CSOs to both the state and the public, but also of fostering a cooperative and efficient network among CSOs. Rather than remaining disunited and fragmented, CSOs should strive to work in a complementary and supportive manner. This approach ensures that the crucial third sector of the country operates as a cohesive and effective force. Without a comprehensive understanding of this sector's value and potential contributions,

both the state and the public might fail to recognize its significance. The introduction of openness during the Slovenian accession process played a pivotal role in enhancing citizens' awareness of how they could actively contribute to the accession process. As civil society is inherently composed of and serves the citizens directly, it becomes paramount for the public to grasp the essence, importance, and effective ways of complementing the EU accession process through civil society organizations.

As civil society is inherently composed of and serves the citizens directly, it becomes paramount for the public to grasp the essence, importance, and effective ways of complementing the EU accession process through civil society organizations.

Croatia's civil society reemerged in the 1990s after the brutal wars, initially focusing on humanitarian efforts. Over time, CSOs gained more influence in governance and benefited from a favorable legislative framework. Lack of transparency during the accession process created a gap in public knowledge and involvement. EU membership led to improvements in policy discourse and integration of EU principles within CSO engagement. Media attention to CSO activities increased their respectability and influence in various domains.

Cross-cutting lessons for Kosovo include addressing low levels of public trust and misconceptions about non-government organizations, which is essential for their meaningful engagement in the EU accession negotiation process.

In the Croatian context, the strength of civil society's role in facilitating the country's EU accession was intricately linked to the environment in which civil society operates and the recognition it receives from the Croatian Government. During Croatia's journey towards EU accession, the government not only treated civil society as a consultative platform but as an engaged partner in implementing intended reforms. Recognizing civil society's broader role rather than confining it to a consultative capacity showcases the Croatian Government's commendable approach. This stands in contrast to the late 1990s, when the previous Croatian Government employed media campaigns to tarnish the image of NGOs, thereby contributing to negative perceptions of civil society.

The Technical Assistance for CSOs Report (2011) revealed that, unlike Slovenia, civil society in Croatia enjoys a generally favorable public image. However, public

knowledge and comprehension of the sector remain incomplete. While the public may be acquainted with the activities of CSOs, a deeper understanding of civil society's role in society is lacking. Hence, it becomes imperative to introduce the concept of civil society to the public in a comprehensible manner, outlining how citizens can actively engage with CSOs both during and after the accession process. This connection ensures an ongoing bridge between organizations and the public.

Post-communist periods led to the growth of CSO sectors in Bulgaria and Romania, but they faced challenges in the withdrawal of foreign donors and transitioning agendas. Both countries' EU accession processes were characterized by limited transparency, involvement, and clarity for civil society organizations. Negative media portrayals and parochial organizational ties hindered the perception of CSOs as independent actors in Bulgaria and Romania. The EU played a role in keeping CSO issues in focus during the accession process, with compliance mechanisms like the CVM (Cooperation and Verification Mechanism). Civil society has been influential in priority areas such as social policy, environmental protection, and human rights.

Cross-cutting lessons for Kosovo include addressing low levels of public trust and misconceptions about non-government organizations, which is essential for their meaningful engagement in the EU accession negotiation process. Cooperation and networking, both within the country and at the EU level, enhance CSOs' visibility and influence. Kosovo's NGOs have limited engagement with CSO network at the EU level, with some exceptions. For instance, Kosovar Centre for Security Studies (KCSS), is member of the European Peacebuilding Liaison Office (EPLO), and in this capacity KCSS actively participates in dialogue with EU level CSOs. Dependence on foreign donors can be a challenge, necessitating diversification of funding sources for long-term sustainability. In addition to this, growing professionalization, and adaptation to changing environments are crucial for CSOs' effectiveness and influence. For the entire civils society sector, the closer the country gets to the EU, the more professionalization it is required. Governments' proactive involvement in engaging CSOs and providing a conducive legal and financial environment can foster cooperation. Kosovo has made important progress in this regard, including by developing a strategy for cooperation between civil society and the government.

Although an increasing number of decisions with a direct impact on European citizens are made in Brussels, a prevailing sentiment of disconnectedness prevails among citizens regarding the decision-making process. Alongside a broader decline in trust in politicians and politics, there is a specific dearth of understanding about the functions and operations of the EU. As such, fostering greater public awareness and engagement in the workings of the EU, particularly during the accession process, becomes pivotal for building a more participatory and informed democratic landscape.

3. The Role of Other Stakeholders in Shaping European Integration: Contributions from the Business Community and Interest Groups

In Croatia, mechanisms for consulting on enterprise policy formulation have historically been ad-hoc rather than permanent. Before achieving EU membership, Croatian business representatives held positions as permanent external members in parliamentary working committees such as the Committee on the Economy, Development, and Reconstruction.

The importance of involving diverse stakeholders, including the business community and other interest groups, has persisted even after EU membership. In 2017, the American Chamber of Commerce in Croatia (AmCham) recommended the establishment of a standardized process for developing national positions across all relevant bodies. This proposed process would necessitate mandatory public consultation involving representatives from the interested public. Implementing a unified approach to position-taking would enhance the efficiency and transparency of administration, resulting in the formulation of comprehensive, inclusive, and high-quality positions for Croatia and all stakeholders. This approach aligns with the principles of "better regulation" actively promoted by European Union bodies and resonates with the goals outlined in the Government of the Republic of Croatia's 2016-2020 Mandate, which underscores the modernization and digitalization of public administration operations.

Studies of Albanian case show that government there is limited attention to the private sector¹⁰. In some instances, bureaucratic and technical challenges undermine

government's commitment to cooperation and inclusion of the private sector in the EU accession process.

One proposed measure involves the creation of an Internet portal dedicated to tracking the complete progress of EU initiatives with potential business implications. This portal would consolidate all procedural stages of an initiative into a single platform, allowing interested parties to present their perspectives on specific subjects. By systematically maintaining and updating information on the portal, Croatia would ensure a continuous engagement with European issues, spanning from the inception of an initiative to the eventual adoption of legislation – a process that can often span several years. This initiative serves as an innovative means to keep stakeholders well-informed and engaged throughout the lifecycle of EU-related matters.

Example of "Communicating Europe"

"Communicating Europe" has emerged as a significant priority for EU institutions, influenced by the 2004 enlargement and the "no" votes during the Constitutional referenda in France and the Netherlands. Olli Rehn, the former Commissioner for External Relations (2010-2014), stressed the need for a future strategy rooted in the consolidation of the enlargement agenda, rigorous application of conditionality, and enhanced communication. He highlighted that policymaker had overlooked the neces-

¹⁰ Elena Polo. (2021). Assessing the role of the private sector in the country's EU integration process: evidences from Albania. IJCBE Vol. II, No. 1, pp. 58 – 69

sity of communicating the achievements of the previous enlargement to their populations. A more concerted effort should be directed towards engaging citizens in genuine dialogue, dispelling misconceptions and myths surrounding enlargement. This effort is particularly vital for the original Member States, where concerns about the EU's future due to enlargement were prevalent among politicians and media outlets. However, this communication endeavor remains crucial for both new Member States and candidate countries. Public authorities must offer comprehensive and impartial coverage of EU matters to average citizens, ensuring they are well-informed about the benefits, sacrifices, opportunities, and obligations of enlargement, and enabling them to actively participate in these discussions and feel a sense of involvement.

In Romania's case, the emphasis was placed on informing citizens about the EU's benefits, costs, opportunities, and obligations to prevent negative perceptions within the population after accession. While several target groups were identified, businesspeople and civil servants were also included. The strategy relied on decentralization, leveraging regional and local agencies and organizations for dissemination. The information covered EU institutions, symbols, Romania's EU membership, European identity, and specific themes such as administration, rural areas, and financing opportunities. This process was seen as inclusive and participatory by local communities. However, it's worth noting that increased EU information didn't necessarily correlate with higher support levels for European integration in Romania.

On January 27, 2006, the Croatian Parliament adopted the Communication Strategy for Informing the Croatian Public about the European Union and Preparations for EU Membership. This revised version of a document from October 2002 aimed to achieve several main objectives: provide accessible and comprehensible information, inform the public about negotiation progress and implications, counter unfounded stereotypes, emphasize responsibilities alongside benefits of EU membership, and manage unrealistic expectations. The new strategy focuses on three key target groups: public opinion influencers/initiators, youth, and groups with higher adaptability to change. In comparison to the 2001 strategy, the updated version emphasizes more efficient and intensive information activities for a broader audience, introduces

new activities in line with Croatia's integration dynamics, and adopts a sector-specific approach for interest groups based on their specific concerns and Croatia's progress.

Within Croatian society, the academic community plays a pivotal role, given their status as an enlightened audience capable of conceptual and strategic analysis and influencing Croatia's positioning in the expanded and deepened Europe. Numerous Croatian universities have established European Studies programs that serve as knowledge hubs for EU integration matters. Due to low public support and the absence of effective two-way communication regarding EU integration, there's a need to raise awareness and stimulate public discourse in Croatia about the implications of EU membership. A recently concluded national study on Citizens' Attitudes towards Croatia's EU Membership has focused on the level of information, attitudes, and beliefs of Croatians concerning the EU, Croatia's accession, and EU membership, especially from the perspectives of human rights protection and gender equality. The self-assessment of informedness covers EU establishment, functioning, political developments, economic relations, and Croatia's accession process negotiations.



The importance of involving diverse stakeholders, including the business community and other interest groups, has persisted even after EU membership. In 2017, the American Chamber of Commerce in Croatia (AmCham) recommended the establishment of a standardized process for developing national positions across all relevant bodies.

4. Kosovo's approach

This section discusses Kosovo's approach with respect to consultation and inclusion of civil society and other actors in the European integration process. In this context, there are two relevant documents that require analysis: The Regulation for the Functioning and Representation of Government Institutions of the Republic of Kosovo in the Stabilisation and Association Structures ((GRK)-NO.13/2016)¹¹ and the Government Strategy for Cooperation with Civil Society 2019–2023¹². This section discusses these two documents as the pillars of the approach of the Kosovo government with respect to consultations and inclusion of civil society in the European integration process.

The government regulation (No.13/2016) mentions civil society a total of eight times. The Stabilisation and Association Council (SAC), established by the government regulation (No.13/2016) is responsible to "decide and issue recommendation on any issue emerging within the implementation of the SAA and on issues of common interest for the parties", in other words, it is the key institution with respect to implementation of the SAA. SAC does not include members from civil society, however the regulation makes it obligatory for the government to provide civil society organizations, other stakeholder with access to the minutes of the SAC's meetings and other relevant materials, as well as to include civil society organizations, and other interested parties during the implementation of SAC's conclusion¹³.

Along the same lines, the government is required to include civil society organizations in the workings of the Stabilization and Association Committee, Subcommittees, and the Special Groups. In other words, based on the Government Regulation GRK-No.13/2016, the government needs to include civil society in all structures of the government of the stabilization and association.

The government of Kosovo sets two types of inclusion of civil society in the regulation 13/2016: inclusion in the process of implementation of conclusions and inclusion in the process of preparation of the meetings of the structures. The first type of inclusion is only applicable at the level of Stabilization and Association Council (SAA), which is comprised of high political level representation, and it issues conclusions and recommendations. The Stabilization and Association Committee, has decision-making power and it is represented by most senior civil servants in the government ministries, respectively secretary generals. At the level of the stabilization and association committee, subcommittees and special groups, civil society organizations, and other stakeholders, should be included by the government in the process of preparation of materials for the meetings. In practice, this means that the government organizes a consultation meeting with civil society and other stakeholders before the meetings of the respective structures to discuss the draft agenda and other materials for the meetings. This is supposed to be an opportunity for civil society, and other stakeholders, to influence issues being discussed in these meetings.

In practice, inclusion of civil society organizations and other stakeholders in the workings of the stabilization and association structures has been limited and not effective. Often the government of Kosovo tends to organize the meetings of the stabilization and association structures without prior consultation with civil society and other stakeholders about the materials of the meetings. However, there have been some exceptions, such as the case of the former-Ministry of Public Administration, which often made public the consultations with civil society and other stakeholders prior to the meetings of the Special Group on Public Administration Reforms¹⁴. When consultation meetings are organized with civil society and other stakeholders, often they are done close to the

¹¹ Government Regulation (GRK) - NO. 13/2016

¹² Government Strategy for Cooperation with Civil Society 2019–2023. Available at: <https://zqm.rks-gov.net/assets/cms/uploads/files/Strategjia%20ne%20tri%20gjuhe.pdf>

¹³ See Article 9 of Regulation (GRK) - NO. 13/2016

¹⁴ See for instance this news item from the archived web site of the Ministry of Public Administration of the meeting of then Minister Mahir Yagcilar

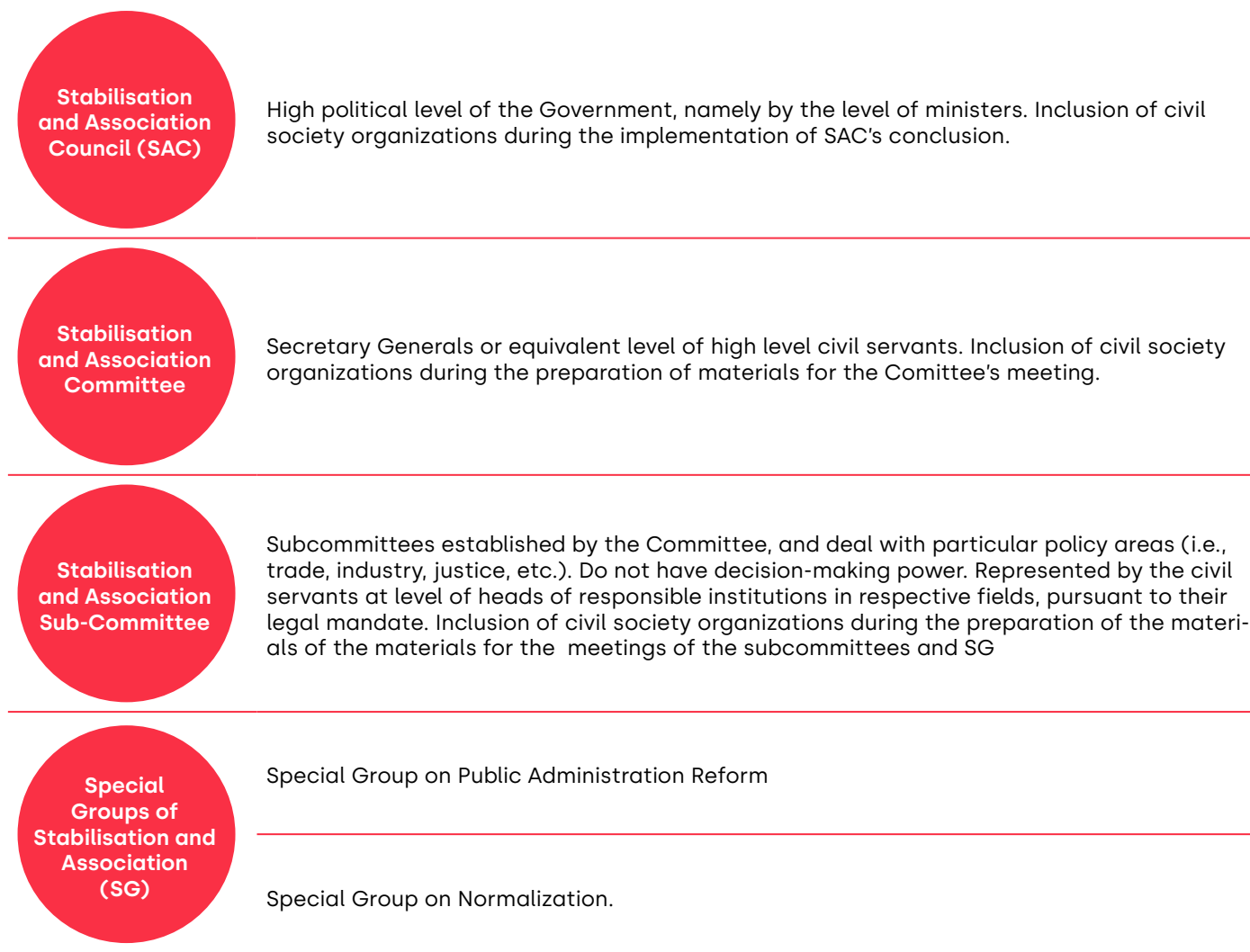


Figure 1: The structures of Stabilization and Association and the role of the civil society as foreseen by Government Regulation GRK-No.13/2016

date of the meetings of the association and stabilization structures and allow little room for changes in the agenda. Particularly concerning is the lack of inclusion of other stakeholders, besides civil society organizations, especially the private sector. Considering that the Stabilization and Association Agreement (SAA), is overwhelmingly about economic and trade issues, the private sector is not fully included in the workings of the stabilization and association structures. Chambers of economy and trade in Kosovo should be included in the process, as well as associations of economic sectors, such as services and gastronomy.

The Government Strategy for Cooperation with Civil Society 2019-2023 is another important document that is supposed to empower civil society and strengthen its role and impact in the government decision-making processes. The strategy does not include any specific measures dedicated to civil society participation in the EU accession negotiation process, although it includes a specific objective on improving civil society participation in the policymaking process. The strategy recognizes the importance of building and developing capacities among non-governmental organizations as a necessity

to participate in the policymaking process, and this is particularly relevant for the EU accession process. Civil society organizations in Kosovo need to improve their capacities to effectively participate in the process, due to the technicalities and complexity of the EU acquis.

However, the strategy contains two important objectives that are relevant in the wider context of participation of the civil society in the European integration process. The strategy includes a general objective to improve the institutional and legal framework for funding in the sustainable development of CSO programs and projects of public interest and to develop transparent practices and procedures for contracting CSOs for the provision of public services. Both objectives, can make significant contributions to the development of capacities in the civil society to both effectively participate in the EU accession negotiations process, but also to access EU funding. This is especially relevant if the civil society sector in Kosovo is to avoid the Bulgarian and Romanian scenario, where many NGOs were not well equipped to access EU funding. Building the capacities is also important to maintain and advance the relevance of the civil society for the decision-making processes.

The two main documents that outline Kosovo's approach with respect to inclusion of civil society in the European integration process, do not provide sufficient support for an effective participation of civil society organizations and other stakeholders in the process, and anecdotal evidence suggest that they have not been effectively implemented. Following Kosovo's, the application for membership, and pending political will among the EU member states, the next step is for the EU General Affairs Council, to decide to forward the application to the European Commission and to prepare an opinion (Avis) on the merits of the application. If this happen, Kosovo receives the EU Questionnaire, which is a formal instrument through which the Commission assesses the overall situation and readiness of Kosovo to progress in the accession process and be granted "Candidate country status" and open accession negotiations. The number of questions that can be included in the Questionnaire vary based on the country, in case of Croatia there were 4,560, while for in the case of Serbia, 2486 questions. In any case, this is expected to be a comprehensive and difficult process, and civil society organizations in Kosovo can contribute both in terms of

supporting the process, as well as, helping ensure quality input in the questionnaire. For instance in the revised enlargement methodology cluster (1) on fundamentals includes functioning of democratic institutions and public administration reform, where civil society is a key actor.

In 2020 the European Commission revised the enlargement methodology. The approach involves condensing the 33 negotiating chapters into six clusters, which will be opened together. Six thematic 'policy clusters' are (1) fundamentals, including rule of law, (2) internal market, (3) competitiveness and inclusive growth, (4) green agenda and sustainable connectivity, (5) resources, agriculture, and cohesion, and (6) external relations. The emphasis is on prioritizing the rule of law and EU's core values, using tools like roadmaps. There's increased engagement of individual EU Member States in the process. The integration of candidates into various EU policies happens gradually, based on successful reforms. Lack of progress can lead to the process being reversed. The strategy is built on four principles: credibility, predictability, dynamism, and stronger political direction.

Effective participation of civil society organizations and other stakeholders in the EU accession negotiations process also requires that these actors are well informed and educated on the technicalities of the process. This is also a must so that civil society organizations can contribute to the process. Accordingly, this requires a capacity development program that would see civil society organizations in Kosovo train themselves as well as equip themselves with the necessary know-how and expertise so they can contribute to the process. Lack of information and limited knowledge about how the EU functions and the accession process works, often limits the contributions and the participation of civil society organizations in the process.

Conclusion

The process of European integration has been marked by diverse experiences in different countries, each offering valuable insights into the role of civil society and other stakeholders in shaping the process. From the cases of Romania, Bulgaria, Slovenia, and Croatia, several key lessons emerge that underscore the importance of effective engagement, communication, and collaboration to foster successful European integration.

The significance of transparent and effective communication cannot be overstated. Across these countries, the lack of proper communication strategies has led to misconceptions, negative perceptions, and inadequate public engagement. EU institutions, governments, and civil society must work together to disseminate accurate information, ensuring citizens understand the benefits, challenges, and responsibilities associated with EU membership.

The cases of Croatia and Slovenia exemplify the power of inclusivity and collaboration. Stakeholders like civil society organizations (CSOs) and interest groups need to work cohesively rather than in isolation. Collaboration strengthens the collective voice, allowing for a broader impact on policy-making and public discourse. Governments must actively involve diverse stakeholders in discussions, fostering a sense of ownership and shared responsibility for the integration process.

The process of European integration is not linear, and countries need to adapt their strategies based on changing circumstances. Romania's approach of adapting its communication strategy to cater to different target groups demonstrates the importance of tailoring efforts to the specific needs and concerns of various segments of the population. Flexibility in communication and engagement strategies allows for better resonance and engagement.

The engagement of civil society and various stakeholders in the European integration process plays a pivotal role in fostering democratic governance, transparency, and the effective implementation of policies. The experiences of Slovenia, Croatia, and Kosovo provide valuable insights into the challenges and opportunities associated with this engagement.

In Slovenia, the establishment of the Centre for NGOs serves as a noteworthy model that underscores the importance of cooperation and inclusivity among civil society organizations. To capitalize on this approach, the Kosovo government should consider establishing a similar platform or further empowering existing platforms to this goal such as Council for Cooperation of the Government with Civil Society¹⁵, fostering collaboration among civil society groups and stakeholders across diverse sectors.

Croatia's evolution from skepticism to recognizing civil society as a partner in policy development is illustrative of the benefits of incorporating civil society perspectives. The Kosovo government can build on this by recognizing civil society organizations as active partners in decision-making processes, particularly within the framework of the Stabilisation and Association Structures. This requires not only consultation but also genuine inclusion, translating civil society input into tangible policy outcomes.

Moreover, Croatia's emphasis on informed public discourse and continuous dialogue is a crucial aspect for Kosovo's context. Strengthening public awareness about the EU accession process and its implications, while combating misconceptions, can contribute to enhanced support for European integration among the population.

¹⁵ See: [Council for Cooperation of the Government with Civil Society - Zyra e Kryeministrit \(rks-gov.net\)](http://rks-gov.net)

Recommendations for the Kosovo Government

- The Kosovo government should prepare an assessment report on inclusion of civil society and other stakeholders in the workings of the stabilization and association structures, in accordance with the Regulation GRL-No.13/2016. Following the findings of the report, the Kosovo government should review and enhance the Regulation for the Functioning and Representation of Government Institutions in Stabilisation and Association Structures (GRK-No.13/2016). Ensure meaningful inclusion of civil society organizations and key stakeholders in the formulation of policies and strategies related to European integration, fostering a sense of ownership and shared responsibility.
- Prioritize public awareness campaigns that communicate the benefits, challenges, and implications of European integration, dispelling misconceptions and fostering support. This is an area that civil society and government of Kosovo have effectively cooperated in the past.
- Government needs to increase consultation with private sector in the framework of the European integration process and recognize the integral role of the private sector, given the economic focus of the Stabilisation and Association Agreement. Engage chambers of economy and trade, along with sector-specific associations, in the consultation and decision-making processes related to economic integration.
- Create transparent practices regarding the sharing of meeting materials and agendas with civil society organizations and stakeholders before official meetings. Ensure that consultations are held well in advance, allowing for constructive discussions and genuine influence on proposed agendas.
- Align the Government Strategy for Cooperation with Civil Society 2019-2023 with EU accession objectives. Provide specific measures and resources for civil society organizations to enhance their capacities in understanding and engaging with the EU acquis and EU accession negotiation process.
- Recognize that the accession process in the European Union (EU) is dynamic and may require shifts in strategies. Regular assessments of communication efforts, public perception, and stakeholder engagement should inform adaptive measures. Governments should be prepared to revise their approaches based on changing circumstances and emerging challenges.
- Establish a web-based platform dedicated to tracking the complete progress of EU initiatives with potential business implications.

Key takeaways

Lesson 1: Transparent and Inclusive Processes During EU Accession negotiation process



One of the most significant takeaways from the experiences of these countries is the importance of transparency and inclusivity during the EU accession process. In the cases of Bulgaria and Romania, limited transparency led to a lack of understanding and involvement among citizens and civil society organizations (CSOs) alike. This gap in information hindered public support for EU membership and weakened the sense of ownership over the process. Governments should recognize that engaging civil society and providing transparent information during EU negotiations not only enhances public understanding but also strengthens the legitimacy of the accession process.

Lesson 2: Cooperation and Networking for Impact

The experiences of these countries highlight the transformative role of collaboration and networking for CSOs. Slovenian CSOs benefited from networking with EU-level umbrella organizations, which boosted their visibility and influence. Similarly, Bulgaria and Romania saw that international partnerships provided valuable support in their post-communist growth. Collaboration not only enhances knowledge exchange but also allows CSOs to collectively advocate for policy changes and effectively address complex societal challenges.

Advice 1: Establish Comprehensive Communication Strategies

Kosovo Government should prioritize the development of comprehensive communication strategies that aim to inform citizens and CSOs about the process's stages, benefits, challenges, and implications. These strategies should encompass both traditional media and digital platforms to reach a wide audience. By ensuring transparent and accessible communication, governments can foster informed public discourse and increase public ownership over the EU integration process. Kosovo government and CSOs have cooperated in the past in similar projects, such as in promotion of the Stabilization and Association Agreement (SAA), led by FOL Movement, PIPS and GLPS, and supported by the Dutch government.



Advice 2: Increase membership of Kosovo CSOs in EU network organizations

Expanding the membership of Kosovo Civil Society Organizations (CSOs) in EU network organizations is essential. This approach offers direct access to expertise, resources, and best practices from established EU CSOs, helping develop Kosovo CSOs' capacities, advocacy strategies, and operational efficiency. Engaging with a broader network empowers Kosovo CSOs to effectively align their priorities with EU standards, advocate for their interests, and disseminate crucial information about EU policies and funding opportunities within local communities.

