THE EUROPEAN COMMISSION, EU ENLARGEMENT POLICY AND CIVIL SOCIETY IN THE WESTERN BALKANS

INTRODUCTION

The European Union's enlargement policy is universally recognized as contributing decisively to the transformation of Central and Eastern Europe (CEE) in the two decades following the end of Communism. With the historic enlargements of 2004 and 2007 the EU extended its borders to the east and to the south east. One important geopolitical consequence of the cumulative expansion process is that the EU is now a direct neighbour of all of the states of the Western Balkans. Utilizing the different templates employed in the design of the successful eastern enlargement policy, the EU is now engaged in a similar process of negotiations with the Western Balkan states which is designed to lead to membership and full incorporation in the institutional and policy regimes of the European Union.[1]

The tragic context in which the EU's relations with the Western Balkans developed along a separate and very different trajectory to Central and Eastern Europe (CEE) after 1989 hardly needs to be pointed out. As CEE drew closer to the EU, the Western Balkans region was inflamed by a series of ethno-nationalist and inter-communal conflicts that splintered the old federal state of Yugoslavia and left more than two hundred thousand people dead. In the aftermath of the Dayton Agreement in 1995, EU engagement with the region, if painfully fitful and uneven from the perspective of the Western Balkans, was fashioned through a familiar mix of political, economic and institutional instruments. Gradually the EU has become the most important point of reference for the countries of the region as they recover from the destructive conflicts of the 1990s and seek to integrate into the successful structures of the European

[1] At the EU-Western Balkans Summit meeting at Thessaloniki of June 2003 the EU stated emphatically that 'the EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union'. See: European Commission, Communication from the Commission to the Council and the European Parliament: the Western Balkans and European Integration', Brussels: 21 May 2003, COM (2003) 285 final. The Thessaloniki 'promise' was reiterated at the EU-Western Balkans ministerial meeting at Sarajevo on 2 June 2010 where the EU provided 'an unequivocal commitment to the European perspective of the Western Balkans' and stated emphatically that 'the future of the Western Balkans lies in the EU'.

integration process. Just as the countries of Central and Eastern Europe sought to 'return to Europe' in the 1990s, the EU's gravitational pull has been the most important factor in the reconstitution of economic, political and civic life in the Western Balkans region over the past decade. The transformative potential offered by an 'accession perspective' is by now well known and documented within the vast corpus of writing on European integration studies (Dimitrova, 2003; O'Brennan, 2006).

In the aftermath of the 1989 revolutions in CEE, civil society played an important, if often neglected role, in providing an early legitimising rationale for the EU's eastern enlargement process (Vachudova 200x). Similarly, across the Western Balkans civil society has sought a place for itself within the accession (and pre-accession) framework. This chapter examines the relationship between the European Commission (the EU's principal actor within the enlargement process) and civil society in the Western Balkans region. It does so with the aim of understanding how the Commission has sought to engage with civil society, and what, if any, role civil society has played within the unfolding SAP and enlargement process.

The Commission's engagement with civil society derives from an understanding that the enlargement process, developed over decades as an elite-led process, derives at least some measure of legitimacy from the input of non state actors and groups which are closer to the citizens of prospective member states. Civil society support has been part of the EU accession framework since the mid 1990s and has developed in quite specific ways as a result of different but quite purposeful types of engagement on the part of both EU and external actors. The Commission's approach to enlargement and SAP is highlighted as the most important element of the EU's 'Europeanization' strategy for enlargement candidate states which has seen an effort to 'modernize', 'democratize', 'pluralize' and transform the most fragile part of Europe and connect it progressively to the mainstream landscape of EU politics. The chapter argues, however, that the Commission's approach to the Western Balkans, consistent with that employed during eastern enlargement and the 'output' legitimacy model of EU governance, has been a top-down one, with a preference for engagement with state actors and hierarchical rather than horizontal modes of communication and decision-making. Although civil society has featured strongly in Commission rhetoric about

the 'transformative potential' of an EU-oriented Western Balkans, EU policy has in fact helped to neutralize any meaningful contribution by civil society actors and community sector as a substantive partner in governance. And although the Commission has at least broadened out the circle of participation in enlargement/SAP to include civil society as a stakeholder, the Commission's engagement with the Western Balkans has been accession driven rather than community-centred, meaning that civil society has continued to play a subordinate part in the transforming landscape within the region.

CONCEPTUALIZING CIVIL SOCIETY

Civil society is a notoriously fissiparous concept even if it is one that seems ever present in discussions of politics and society these days. Although there are multiple and sharply contrasting approaches to what constitutes a civil society (Ehrenberg, 1999), and the very elasticity of definitional poles makes for confusion, most analysts argue that it is a necessary component of democracy, and - in the case of post-conflict societies - an important, if insufficiently understood, element of the framework in which both inter-communal reconciliation and the consolidation of democracy is encouraged. Benjamin Barber (2001:270) places civil society within an understanding of democratic government as: 'but an extension of the common power of citizens, and citizens must use that common power while working to reform its susceptibility to abuse'. He also argues that 'there is no legislative domain that cannot be reframed and improved by thinking how it might promote civil society' (Ibid.). In a world which has become increasingly deregulated, privatized, atomized and individualized there is surely a space where citizenship can be exercised in a progressive way and civil society make a meaningful contribution to governance.

The notion of civil society is clearly a western concept, rooted in the democratic ideals of liberalism that focus on the individual as citizen, and the individual's participation in differently configured elements of democratic and community life. This vision of society envisages citizens forming groups and associations with a view to influencing the policy-making process 'by creating channels of communication between citizens and government, both direct and indirect' (Mavrikos-Adamou, 2010: 516). Thus civil society is seen as occupying a crucial space – an autonomous space - between elites and citizens, between the governors and the governed, and between the

state and the market. It is also important to acknowledge that each individual civil society group will be rooted in specifically *local* cultural and historical norms, practices and structures. Even groups with avowedly universalist aims will often demonstrate a firm identification with the local and domestic, even if this is sometimes at the expense of the universalist ethos and worldview it espouses. Wesley Scott and Likanen (2010:424) go further in positing civil society as 'a political force central to the development of a wider community of values and societal goals; it is seen to have a modernizing and democratizing function within state-society relations'. Civil society is also 'assumed to be a major political forum' for the articulation of social agendas and collective rights (Ibid.) and in shaping political economy models. Until recently, most civil society groups were limited to placing issues on the agenda of executive decision-makers chiefly by lobbying and publicity. Increasingly, however, they have become authoritative actors in their own right, 'with legitimacy derived from expertise, information, and innovative political techniques' (Mansbach and Rafferty, 2008: 443) and in some jurisdictions, a distinct role in ensuring a better trade-off between efficiency and equity considerations (Kirby and Murphy, 2008: 38).

Michael Edwards (2004, 2005), in positing civil society within a specific 'public sphere', argues that it 'becomes the arena for argument and deliberation as well as for association and institutional collaboration' and 'a healthy associational ecosystem is vital to the public sphere, since it is usually through voluntary organizations and the media that citizens carry on their conversations'. Thus, for Edwards, civil society is 'simultaneously a goal to aim for, a means to achieve it, and a framework for engaging with each other about ends and means. When these three 'faces' turn towards each other and integrate their different perspectives into a mutually supportive framework', elite decision-making can be positively impacted. Similarly, Parau (2009:122) argues that civil society empowerment should be defined relative to that of executive authority: 'Civil society will have been empowered if it prevails upon the executive, that is, if its preferences are reflected in the final outcomes of domestic political outcomes, where otherwise they would have been disregarded'. How then do we define civil society 'success' within the European Union context in the Western Balkans region? To answer this question we need to understand both the civil society experience within the European integration process and the functional

frameworks of SAP and enlargement as these have developed under the supervision of the European Commission.

CIVIL SOCIETY AND EUROPEAN INTEGRATION

Although the EU is often identified as an elitist structure of power, scholarship has increasingly focused on transnational advocacy networks centred on the EU, and both the horizontal and vertical interactions provoked by civil society activity. The EU here is understood as a transnational and multilevel political opportunity structure (POS) which acts to structure patterns of civil society mobilization and access to decision-makers. (Cullen 2010: 320). One of the most sophisticated recent contributions to the literature comes from Beate Kohler Koch (2010: 106) who analyzes the multiple functions performed by civil society organizations across the European Union. In particular she identifies a 'performative function' centred on the formation and reformation of civil society 'through discourse and interaction in the public sphere'. Accompanying this there is a 'representative function' which involves 'making civil society visible and giving societal interests a voice'. Here CSOs are understood as mediators between the local and the supranational centre in Brussels, echoing local points of view and policy concerns, bringing a diversity of views to the policy-making table, and thus contributing both to input and output legitimacy. Civil society actors face considerable constraints, however, when seeking to influence EU policy. They are constrained by the significant level of resources required to cultivate relations, prepare policy submissions and attend meetings. And although the European Commission has consistently held to a pluralist understanding of civil society, which includes all voluntary and non-profit organizations that give voice to the concerns of citizens in addition to market related actors, the evidence from the integration process suggests that this pluralism is a *highly qualified* and narrowly interpreted one. Research indicates that there is a significant gap between the official EU discourse about its relationship with civil society and its actual practice of consulting citizens and their representatives. Civil dialogue, for example, has seen a tendency on the part of the Commission to avoid interaction with civil society on controversial issues (Cullen 2010:322).

The Commission's preference for working with and through elites within civil society organizations has been well documented. Thus EU NGOs, despite achieving visibility

and prominence in carrying out their performative and representative functions, have also been categorized as lacking the critical distance required to mobilize for a radical shift in EU policy and of participating in consensus-oriented consultation processes devoid of substantive opportunities for deliberation. EU social NGOs in particular have been characterised as elite focused with weak links to grass root constituents. Scholars have also demonstrated that EU funding and project support to NGOs has often proved both conditional and highly selective. For sceptics of civil society efficacy this provides evidence of civil society co-optation and an inability to maintain independence from EU policy imperatives. Cullen (2010:323) also argues that many Commission officials remain sceptical of NGO claims to represent the public interest and rather view them as primarily lobbyists representing narrow constituencies and as sources of expert or technical information which can be fed into the policy process and – in output terms – as 'vehicles to sell EU policy to EU citizens. Broader research also supports this interpretation of the Commission viewing civil society as one of 'Communicating Europe'. This perspective does not involve stakeholders in any meaningful or robust way. Rather, civil society is conceived as 'occasional consultations and cheerleaders for European integration'. NGOs and civil actors become vehicles for pronouncements on the positive projects being overseen by Brussels. Thus the Commission's approach to civil society has been at one and the same time open and pluralist and yet deliberately constructed as limited and utilitarian. This is not to argue that civil society has proved incapable of exerting pressure for policy change within the integration process. Rather the environment in which it operates is one which overwhelmingly favours the structural preferences of 'insider' institutional actors like the Commission.

The nature of the EU's political influence is now widely discussed. It constitutes a given in analysis of EU external relations, even if the claims made for the nature and reach of that influence are contested. Scholars have focused on the EU's 'soft power', 'civilian power', and 'power of attraction' in arguing for the impact of the normative content of EU policy and politics (Manners, 2002; O'Brennan, 2006). This, it is argued, is especially evident within the enlargement process where the asymmetric nature of the regime provides ample opportunity for 'social learning' and 'socialization', or the effectiveness of EU 'rule transfer' through conditionality norms and practices. For our purposes the important element of this is how and under what

circumstances membership political conditionality demands convert into Europeanization of domestic political structures and arrangements in candidate states. Within that context how does conditionality and Europeanization impact on civil society and what role does the European Commission play in encouraging a substantive civil society contribution to enlargement politics and policies? Ergun (2010:5110 argues that the nature of these interactions will be influenced by three factors: the nature and activities of domestic CSOs and the relationships they establish with international networks; second, the relationship between civil society and the state and the state's responsiveness to then activities of local civil society actors; and third government's attitude to the international actors most engaged in their country and with civil society. By definition in the case of the EU this includes the European Commission as *primus inter pares* among enlargement actors on the EU side.

THE EUROPEAN COMMISSION AND ENLARGEMENT

The EU's effort to successfully enlarge to the Western Balkans involves a complex division of labour (internally) between the EU institutions. Although the Commission plays a central bureaucratic role in the enlargement process this is balanced by the (territorial) input of both the Council and the (representative) functions of the European Parliament. The Commission's influence within enlargement politics stems principally from two sources. The first is its *formal power* to initiate policy proposals, which helps it to set and shape the enlargement policy agenda. Although, as in the general integration framework, it seeks to anticipate, incorporate and adjust for the specific concerns of member states (and increasingly the EP), it has often found itself to be (almost by default) the sole policy entrepreneur and thus the best placed EU actor within the enlargement process. It is important to understand that much of the Commission's power within the contemporary enlargement process evolved out of the early (uncertain) response by the EU to events in CEE in the early 1990s.

The extraordinary challenge which confronted the European Commission when it took on the task of managing EU relations with the new democracies of Central and Eastern Europe was quite unlike anything the Commission had previously faced in EU enlargement history. Although at many levels the Commission acted throughout the eastern enlargement process in conformity with Article 49 of the treaties - and thus as a classic bureaucratic agent of the member states of the EU - it seems clear

that the Commission also managed to carve out for itself a very significant independent role within the eastern enlargement. In the first place it is responsible for most of the important formal policy proposals that shape the deepening of relations with candidate and prospective candidate states. The Commission is both able and willing to act as an agenda setter and so frame the parameters of EU policy toward the Western Balkan states. And although more often than not its choice is to operate through coalitions within the Council, and where possible with the Presidency, it also frequently drives the EU agenda on key parts of the process.

Where *formal prerogatives are absent* the Commission uses what scholars term 'customary enlargement practice' to carve out an informal agenda setting role, framing problems and urging consensus where difficulties arise. Individual commissioners such as Gunter Verheugen and Ollie Rehn very often act as political entrepreneurs, and have proved themselves both proactive and integral to enlargement outcomes. And the Commission itself, through its capacity building and compliance functions within the process, is the EU institutional actor closest to the candidate states throughout the process, providing advice, urging broader and deeper transposition of EU norms, and actively socializing candidate state public representatives into EU practice.

Viewed by the candidate states as ever-demanding and frequently unreasonable in its insistence on full and unconditional implementation of the *acquis*, viewed by the member states as too accommodating of candidate state preferences, the Commission often threads a thin line between process manager and political entrepreneur. In its engagement with the candidate states, imaginative framing of policy proposals within the EU, and not inconsiderable diplomatic skill in pushing the sometimes reluctant member states toward completion of the negotiations, the Commission performs the type of role which, if indeed unglamorous and hidden from the European public, is integral to the success story that enlargement has proved. It is thus quite certain that the Commission acts as a key 'driver' or 'motor' of the enlargement process. A role that developed out of the vacuum created by the fall of the Berlin Wall has evolved into a functional, normative and agenda-setting role that now dominates the Enlargement framework in the Western Balkans.

The eastern enlargement was the first such accession process to exhibit any kind of official role for civil society. The process of including civil society was, however, slow and evolutionary, and not without contradictions. In the aftermath of the 1989 revolutions in Central and Eastern Europe civil society played an important, if often neglected role, in providing an early legitimising rationale for the EU's eastern enlargement process (Vachudova; Dimitrova). Indeed in some respects the prominence of civil society actors in toppling communist regimes in the late 1980s may have led to unrealizable expectations about the potential reach and influence of civil society in reconstructing and consolidating democratic institutions and associational life in post communist Europe. In the developing enlargement framework it was the EU aid regime that provided the first opportunity structure for civil society participation in the political context. And crucially this participation developed out of specific interaction with the European Commission, as the latter took on the role of enlargement process manager on behalf of the EU.

In 1991 it was simply stated that PHARE assistance contained a general commitment to recognize the value of non-governmental organizations while implementing PHARE projects[2]. In 1992, a special PHARE democracy programme was launched on the initiative of the European Parliament, in order to counter the exclusive emphasis on market based reforms. The programme aimed to support the establishment of political and civil institutions crucial for the achievement of political consensus and stability. Later studies would show that most of this support went into the 'development of NGOs' The objectives of PHARE's civil society programmes were 'to strengthen the capacity of leading institutions and to assist them in expanding the range of their activities, increasing their self-reliance and enhancing their participation in society and their support of NGOs' (European Commission 1997: 53). The key here is that this engagement evolved as an element of Commission policy and was increasingly linked to the Commission's priorities rather than local civil society actors' priorities. Adaptation to EU norms and effective compliance with the *acquis* framed the Commission's approach to civil society. Thus it was *accession driven* rather than *demand driven*; Commission driven rather than locally driven. This would

[2] The French acronym for: 'Poland and Hungary: Assistance for Restructuring Economies'.

set the pattern for civil society participation in EU enlargement programmes which has continued to this day within the Western Balkans (and Turkey).

THE COMMISSION AND CIVIL SOCIETY

The role of civil society in legitimising EU governance has attracted growing attention within the EU's developing relations with the Western Balkans. It is crucial, however, to understand that the European Commission's engagement with civil society should be understood as a form of 'output' rather than 'input' legitimacy, where dialogue with 'specialized publics' takes place as a form of deliberation by specialist actors. Indeed 'specialized publics' are the 'main constituency of the Commission' according to Eriksen (2007). Here policy consultations take the form of institutionalized contacts by which the Commission seeks to obtain information covering both the subject issue and about their position on proposed legislation from stakeholders and civil society groups (Bouza Garcia: 170). Civil society acts as an intermediary between the citizen and the state, making at least some contribution to reducing the so-called 'democratic deficit' in the enlargement domain, but nevertheless from a position which is distinctly subordinate to state actors. Civil society groups have been increasingly active in lobbying the EU over the last decade, but this involvement, even when successful, often fails to match the regularized and favoured input of private interest groups. And as Warleigh (200x) points out, the EU's approach to civil society groups in the past has been open to question; the Commission in particular 'has been guilty of trying to limit consultation to favourite NGOs which will essentially defend the Commission's policy preferences, and sometimes even its role in the institutional process itself'.

The Commission clearly orientates consultation with civil society actors towards output legitimacy, however, by framing the boundaries of discussion and room for compromise available to participating actors. It is clear that 'in the design of the consultative fora the members are invited as experts, and in principle not on behalf of their organizations' in any specific representative capacity. A characteristic feature is that they are easily 'turned into specialized spaces' where 'knowledge of a policy field is more important' than input legitimacy criteria (Bouza Garcia 2009:177). In this kind of environment it is easy to see why different forms of 'cognitive dissonance' arise between the representatives of many civil society groups in Brussels

and their constituency: they are effectively co-opted as experts and parts of an ‘epistemic community’ by the Commission.

The Commission, however, does not hold officially to such a ‘thin’ definition of civil society. In its own website summary it states: ‘the policy of consultation does not make a distinction between civil society organizations or other forms of interest groups. The Commission consults “interested parties”, which comprise all those who wish to participate in consultations run by the Commission’. Over time the Commission has elucidated a discourse about the role of civil society in the governance of the EU and has tried to present its institutionalized relations with civil society as part of a new mode of governance that would increase the legitimacy of the EU ‘through the participation and hence empowerment of citizens organizations’. Indeed the 2001 White Paper on governance indicates an effort ‘to translate these relationships into complimentary sources of legitimacy’. The document refers explicitly to a transnational public sphere as one in which ‘consultation becomes part of a discourse on re-legitimization from complementary models of (representative) democracy’ (Bouza Garcia: 174). The defeat of referendums in France, the Netherlands and Ireland in recent years, not to mention the fallout from the financial crisis and the unfolding in 2011 of the ‘Arab Spring’ in close geographical proximity to EU territory, has only re-focused thinking about engaging civil society as a supplement to the normal modes of (hierarchical) decision-making which dominate the EU.

THE COMMISSION AND CIVIL SOCIETY IN THE WESTERN BALKANS

Civil society has played its part in reconstituting associational life and community in the Western Balkans since 1990, just as it did in CEE. Organizations such as the George Soros sponsored *Open Society* and the media group *Balkan Insight* have made a significant contribution to education and other spheres of public activity across the region and aimed to strengthen civil society’s position in relation to state power. But this is in a context where civil society during the Communist years had been firmly subordinated to the state and the Communist party. In the vacuum that followed the collapse of the Communist system, civil society and participatory politics was further constrained by war, conflict and displacement. Thus the challenge of civil society in the Western Balkans region has been incomparably greater than anywhere else in Eastern Europe after 1989. This weakness manifests itself especially in glaring

failures of governance, overt corruption, porus legal regimes, and an inability to redistribute resources in either an efficient or equitable manner. The Commission's activity in the civil society realm has been both encouraged by and weakened by the fragility of local democratic models in the Western Balkans. But it seems clear that the relative weakness of the state has made it more difficult for civil society to play a full and proactive part in the reconstitution of civic and associational life in the Western Balkans.

The Commission's approach to civil society in the region can be summarized as a contradictory mix of rhetorical support and good intentions, offset by a familiar penchant for employing civil society in a utilitarian capacity as a means of more efficiently carrying out enlargement policy. The Commission's understanding of enlargement encompasses a prominent role for civil society, at least in its stated position and policy documents. Here civil society is understood as a supporting element of the 'normative power' or 'civilian power' Europe, as 'a force central to the development of a wider community of values and societal goals', comprising a 'modernizing and democratizing function within state-society relations and a major forum for 'the articulation – within and beyond the state – of social agendas and the promotion of human rights' (Welsely Scott and Liikanen 2010: 424). And although the civil society sector is seen as subordinate to state actors, nevertheless it is viewed by the Commission as a not insignificant part of the machinery or architecture of (variously) the effort to stabilize, democratize, modernize, and 'Europeanize' the Western Balkans. The value of civil society for the Commission lies in its ability to provide local ownership over EU aid projects and efforts to 'communicate Europe'; to act as a catalysing force for necessary local adaptation to EU norms; to act as a mediator between state and society within individual states and beyond at regional level; and to provide a legitimating rationale for EU policy. This perspective gained traction especially after the wide ranging review of EU policy which took place in 2007.

The Commission's conception of the role of civil society in the Western Balkans is laid down in the 2010 Enlargement Strategy Paper. It asserts that:

> Civil society activities are essential for a mature democracy, the respect for human rights and the rule of law. Such activities enhance political accountability, stimulate and expand the space for discourse on societal choices and strengthen the consensus for a pluralistic society. By contributing to a more open, participatory and dynamic democracy, a lively and vibrant civil society is also conducive to tolerance and reconciliation (2010:13).

The emphasis on tolerance and reconciliation' is clearly an acknowledgment that EU policy in the region has not to date produced the more benign, cooperative and pluralistic inter-communal environment that was hoped for in the aftermath of the Dayton settlement in 1995. While suggesting the EU possesses considerable power to influence local trajectories of development, it also qualifies this by asserting that this is usually subject to local interpretation and contestation. At a more concrete and practical level the Commission (ibid.: 14) suggests that:

> A culture of acceptance and appreciation of the role played by civil society need to be in place to allow civil society organizations to engage in an effective policy dialogue. Public consultation on policy initiatives and draft laws should become the general principle. The access of civil society to government support is frequently hindered by a lack of transparency and poorly developed allocation criteria.

The Commission again alludes strongly to the fundamental weaknesses of civil society in the region when stating that a key EU aim is to: 'strengthen their capacities and professionalism, allowing them to engage in an effective dialogue with public and private actors and to monitor developments in areas such as the rule of law and respect for fundamental rights' (Ibid.). Consistent with previous enlargement rounds the Commission has implicitly linked civil society empowerment in the Western Balkans to the provision of accession-related aid programmes.

Beginning with Croatia and Turkey in 2005, and extending it to the whole of the Western Balkans in 2006, the EU began to not only support increased communication and cooperation between EU member states and the candidate countries (civil dialogue), but it also began paying much more attention to the role of civil society in the democratization and reconciliation process taking place within these countries. These new priorities were spelled out in the Enlargement Strategy in 2007, in which the Commission made the development of civil society and civil dialogue one of the priority areas within the EU enlargement policy. The EU thus increased support

within this context by a factor of three comparing 2005-07 (€27 million) to 2008-10 (€79 million) in the form of the Civil Society Facility (CSF) introduced into the operating framework of the Instrument for Pre-Accession (IPA), the principal instrument for providing accession-related aid to candidate and SAP countries. It is the CSF initiative that made the Commission the biggest financial supporter of civil society in the region. (BCSDN 2009: 3). The Balkan Civil Society Development Network, an amalgam of the most influential civil society groups in the region, has produced the most substantive analysis of the Commission's civil society engagement to date. It asserts that the aim of the CSF is three-fold: to support the development of civil society including capacity building; to expose civil society representatives to EU institutions and procedures; and to support partnership between civil society and other sectors as well as with counterparts in other countries of the region and the member states. (BCDSN 2009:14). It argues that the CSF represented the 'concretization of the prioritized support to civil society development and civil dialogue on the part of the EU' (BCSDN 2009:5). Additionally and for the first time, the Partnership principle (borrowed from the existing approach within EU regional policy) was enshrined in the IPA instrument, which envisaged the inclusion of civil society actors in the programming, implementation and evaluation practices within the Commission's policies and programmes. Both the financial support and the establishment of a formal obligation to consult civil society significantly raised expectations among the local actors in the Western Balkans regarding the importance and value of the new IPA instrument (BCDSN: 5). For the European Commission, however, the most important frame of reference remained the drive for accession: EU funding and aid constitute a key vehicle supporting efforts to transpose and implement the accession *acquis*. Funding has to contribute to and underpin the most significant priorities attached to the reform programmes; if it also delivers a boost to the position and influence of civil society that is a welcome additional positive result. But this goal remains secondary to the state's adaptation of law and administration to the *acquis communautaire*.

Alongside an enhanced role for civil society within the unfolding EU aid regime, a second key priority for the Commission has been to encourage and facilitate a more substantive framework of regional cooperation among CSOs. Although 'regionalism' has tended to be resisted by state actors within the enlargement framework, the Commission sees it as a positive vehicle supporting inter-state reconciliation and

accelerated cross-border economic cooperation. Although the Commission has encouraged the transnational approach some CSOs have resisted such activity, for more or less the same reason as state actors (the fear that regionalism will dilute the bilateral relationship with Brussels). CSO transnationalism is especially evident in the groups which focus on human rights across the Western Balkans; these tend to be more universalistic and outward looking in their aims and modus operandi than other groups. In this sense they act – or have the potential to act – as a healthy counterweight to local actors which focus on a narrow range of particularistic, localized and sometimes patently chauvinistic demands. The damage wrought by particularism based on a perennialist conception of ethnic relations runs very deep in the Western Balkans region; civil society offers a channel for independent, moderate, and cooperative ideas in a context where state elites still tend to fall back on familiar nationalist tropes manifested in different forms of paranoia and 'groupthink'. Thus the opportunity for reconciliation and engagement of previously warring ethno-national sub-units can be facilitated by civil society dialogue with external sponsorship of the European Commission. A key aim here is a form of socialization of such actors, not so much into a uniform or universalist way of thinking, but rather *away* from extremes of thinking and behaviour.

This applies both to the traditional approach of inside-outside negotiations and the more day to day informal practices at the regional level: civil society has a role in both but is much more visible in the latter than the former. It is important to acknowledge here that CSOs do not faithfully replicate the 'Brussels line' and policy agenda within the enlargement process; they provide a crucial independent, non state voice and pressure on both domestic actors and the external actors within the framework. At times the very independence of local civil society actors is an asset for the Commission as it faces down domestic contestation of EU norms and the implementation of accession-driven legislation. Civil society can thus act as a more acceptable (internal) channel of representation and norm diffusion than any external agency or body. Turning somewhat on its head the traditional enlargement maxim that the Commission is the 'friend who tells the truth' very often CSOs can act as the 'friends who tell the Commission's truths' in a divisive local political context. For the Commission, where EU policy is expected to attract significant domestic policy costs and thus prove thoroughly contested by local actors, civil society provides an

important alternative channel of exercising influence, countering negative publicity, providing local voices of support, and mobilising 'coalitions of the willing' for action. Where the domestic costs of adaptation to EU norms is high CSOs can and do act in ways that elected local officials find difficult if not impossible. CSOs can thus take ownership over a process for EU sponsored reforms/legislation and push domestic actors towards compliance. There is much evidence for this activity within the eastern enlargement process. Environmental CSOs in particular proved very effective in changing the contours of domestic policy debate along cosmopolitan (over particularistic) and universalist lines favoured by the Commission (Soitu and Soitu (2010:495).

Notwithstanding these positive developments in the role played by civil society in the Western Balkans, the evolution in Commission thinking about and management of the enlargement process places civil society within a very truncated operational space. Perhaps the most important lesson drawn from the eastern enlargement process by the bureaucracy was the need for consistent oversight of accession-driven reforms in candidate states. The introduction of benchmarks and a much more interventionist model of engagement by the Commission on rule of law issues and administrative reforms in candidate and SAP states has acted to re-inforce the existing tendency toward elite-centred interaction: the default structural landscape of an accession driven relationship between the Commission and candidate and SAP states effectively marginalizes all local actors outside the core executive and responsible ministries engaged in transposing and implementing the accession *acquis*. This applies as much to parliamentarians as it does to civil society; in both cases it acts to reduce the democratic legitimation of the enlargement process and further distance citizens from political engagement. The Commission, whilst paying lip service to the goal of civil society inclusion, often acts in a functional capacity to curtail or reduce the actual input of CSOs as it seeks substantive results from candidate/SAP states which will advance the accession process. The argument most frequently proffered in defence of this approach is that the most important priority is reform along a defined EU trajectory and that success will empower civil society indirectly through better quality public administration and a more transparent and structurally secure criminal justice system.

Guided by this janus-faced approach, the Commission has consistently exhibited a tendency toward hierarchical differentiation and conference-centred rather than community-centred activity on the part of so-called 'elect' civil society groups. The professionalization of community work and what has been termed 'NGO-ization' appears as a significant problem here. These groups are part of or over time become socialized into an elite transnational community centred on European integration practices: elites talk to themselves and do little to reduce the 'democratic deficit' said to characterize EU institutional politics. At its most extreme this is a world where civil society is not part of society but substitutes for society; organizations are essentially co-opted into an elite world of privilege and access and as such voluntarily dislodge themselves from their previous anchor in society.

In the Western Balkans this separation of civil society from society takes the form of 'international' versus 'local', where many NGOs are staffed by foreign nationals; such organizations often maintain a two track salary scale whereby the 'internationals' get paid a 'Western' salary leaving their local employees to be paid in significantly lower amounts of local currency. Granted this international NGO sector represents just one part of the civil society sphere in the region but it remains a crucially important one. The impression here is of a process of co-option of favoured civil society groups, which increasingly tend toward elite engagement in Brussels and in the process lose touch with their roots in local society in the Western Balkans. The Commission's over-riding priority of facilitating accession-driven 'capacity building' and governance reforms thus drives it to both co-opt and marginalize civil society whilst offering rhetorical blandishments centred on inclusion and participative democracy.

CONCLUSIONS

The civil society input into enlargement decision-making in the Western Balkans is significant because as Mavrikos-Adamou (2010: 515) puts it 'values such as trust, tolerance and cooperation are important for both the democratization process and for reconciling differences among diverse ethnic groups in post-conflict societies, and civil society can be the space where they are cultivated'. Given the tormented contemporary history of the Western Balkans region, this broad understanding of the potential contribution of civil society to the region seems wholly appropriate. More

broadly still, the Western Balkans region since the end of the Bosnian War in 1995, might be viewed as an extended laboratory for thinking about a wide constellation of phenomena such as post-conflict state-society relations, peace-building, nation-building, and external intervention. The strength or weakness of the civil society sphere at the very least emerges as an important indicator of the degree to which reconciliation and democratic consolidation have been taking place.

Assessing the role played by civil society in the Western Balkans one can undoubtedly point to some positive developments. It seems clear that since at least the Thessaloniki summit meeting in 2003 civil society actors have become both more visible on the ground and marginally more influential in policy circles. This generalized observation undoubtedly conceals widespread variations in visibility and power. Nevertheless the trend has been moving in a positive direction. Some of this is undoubtedly connected with the wider patterns of democratic consolidation in the region. But some of it also derives from the pressure placed on state actors by civil society organizations with European Commission support (rhetorical, financial and organizational). Such civil society groups have articulated and represented various ideological interests and political demands voiced by different segments of society as well as impressing on central government and otherwise stratified political elites the need for effective governance. Amongst the most visible such organizations have been Women's organizations and human rights organizations, growing from grassroots level as voluntary associations and gradually attaining both visibility and some degree of influence.

It seems clear that the European Commission faces a real dilemma in its approach to engagement with the Western Balkans in the accession context. One valuable academic source which might help us understand that dilemma is to examine it through the lens of Samuel Huntington's *Political Order in Changing Societies* (1968). Huntington's chief concerns here were with the relationship between state capacity and legitimation of the political process. He asserted that the two in fact could be separated: a country could grow and consolidate its institutions and stateness *independent of* their basis for legitimation. At the core of the Commission's approach to the enlargement and SAP framework is this desire to balance the capacity of Western Balkan elites to provide effective governance and an administrative and

juridical system capable of adapting to the EU's legal norms whilst underpinning these efforts with a substantive role for civil society. Where civil society could and – normatively speaking - should bridge the gap between state action and citizen empowerment, the Commission has usually sided (following Huntington's precepts) with the imperative of achieving legal and administrative state compliance over any meaningful legitimation of those processes. Thus to some extent the enlargement/SAP regime has not just exacerbated existing tendencies toward elite capacity; it has also contributed to a growing problem of a specifically local and regional 'democratic deficit', familiar from the European Union and its political process. The demands of the accession process in both CEE previously, and latterly, the Western Balkans has, for example, taken power away from national parliaments as the Commission sought speedy adaptation to EU norms and engaged heavily with executive actors rather than parliament and civil society. National parliaments have thus been convincingly depicted as 'victims' of the enlargement process in the same way as patterns of 'deepening' within the existing EU have also disempowered legislatures (O' Brennan and Raunio, 2007). The evidence from the Western Balkans suggests that something similar is happening to civil society. Although the Commission, as the lead EU actor in the region, has aided and facilitated the civil society sector and sought to include it in public consultations and regional dialogue, these efforts have been accompanied by a sustained attachment to a top-down elite-driven enlargement model. Thus the advance by civil society in the Western Balkans continues to exhibit a stop-start quality and the legitimation of the accession process remains a doubtful proposition.

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