

**Unpacking Differential
Empowerment:
Civil Society Mobilisation in the
EU Accession Process**

by

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Declaration of authorship

I, Natasha Wunsch, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Abstract

Can civil society actors use the EU accession process to empower themselves at the domestic level? Comparing civil society mobilisation in the rule of law across Croatia, Montenegro, and Serbia, this thesis demonstrates that the strategic usage of EU-related shifts in the political opportunity structure have allowed civil society actors to strengthen their position in two regards. First, they were able to enhance their formal involvement in domestic policy-making by pushing collectively for improved consultation procedures and devising innovative extra-institutional mobilisation formats to feed into the ongoing reform process. Second, and to a more limited extent, they succeeded in shaping a number of substantial policy outcomes thanks to effective framing and the uploading of demands into the EU's conditionality. The empirical analysis builds on extensive fieldwork combining semi-directive interviews, participant observation and documentary analysis.

Combining social movement theory and Europeanisation research, the thesis puts forward a theoretical framework that integrates both structural shifts induced by the Europeanisation process and the role of domestic agency in recognizing new opportunities and transforming them into domestic impact. In contrast to earlier critical studies, it suggests that professionalisation was crucial in enabling civil society actors to build the capacities and expertise necessary to feed into domestic policy-making processes. At the same time, the empirical findings show how an overreliance upon EU leverage may be effective in the short run, but lacks sustainability for long-term empowerment once EU pressures subside in the post-accession phase. Finally, the comparative analysis of mobilisation strategies across three country case studies

highlights the importance of transnational learning, whereby the disappointing experience of Croatian civil society actors decisively informed the approach adopted by their counterparts in Montenegro and Serbia, leading to their earlier and more promising involvement from the early stages of the accession negotiations.

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Abbreviations

AŽC	Autonomous Women’s Centre (<i>Autonomski Ženski Centar</i>)
B.a.B.e.	Be active. Be emancipated. (<i>Budi aktivna. Budi emancipiran.</i>)
BCSDN	Balkan Civil Society Development Network
BCSP	Belgrade Centre for Security Policy
BFPE	Belgrade Fund for Political Excellence
BOŠ	Belgrade Open School
BTD	Balkan Trust for Democracy
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBM	Closing benchmark
CCE	Centre for Civic Education
CDT	Centre for Democratic Transition
CEAS	Center for Euro-Atlantic Studies
Cedem	Centre for Democracy and Human Rights
CEE	Central and Eastern Europe(an)
CeMI	Centre for Monitoring and Research (<i>Centar za monitoring i istraživanje</i>)
CEP	European Policy Centre Belgrade (<i>Centar za evropske politike</i>)
CI	Civic Initiatives
CMS	Centre for Peace Studies (<i>Centar za mirovne studije</i>)
CRNPS	Centre for the Development of the Non-Profit Sector (<i>Centar za razvoj neprofitnog sektora</i>)
CRNVO	Centre for the Development of Non-Governmental Organisations (<i>Centar za razvoj nevladinih organizacija</i>)
CSF	Civil Society Facility
CSO	Civil society organisation
DACI	Directorate for Anti-Corruption Initiatives
DG	Directorate General
DSA	Data Secrecy Act
EESC	European Economic and Social Committee
EFB	European Fund for the Balkans

EMiM	European Movement in Montenegro
EMinS	European Movement in Serbia
EU	European Union
FoIA	Freedom of Information Act
FOSS	Fund for an Open Society Serbia
FPA	Framework Partnership Agreement
GONG	Citizens Organized to Monitor Elections (<i>Građani Organizirano Nadgledaju Glasanje</i>)
HDZ	Croatian Democratic Union (<i>Hrvatska demokratska zajednica</i>)
HRA	Human Rights Action
HRH	Human Rights House (Serbia)
IA	Institut Alternativa
ICTY	International Criminal Tribunal for former Yugoslavia
IPA	Instrument for Pre-Accession
IRMO	Institute for Development and International Relations (<i>Institut za razvoj i međunarodne odnose</i>)
ISC	Institute for Sustainable Communities
KKV	King, Keohane and Verba
LGBT	Lesbian, Gay, Bisexual and Transsexual
MANS	Network for the affirmation of the non-governmental sector (<i>Mreža za afirmaciju nevladinog sektora</i>)
MEP	Member of the European Parliament
MFA	Ministry of Foreign Affairs of Croatia
MFAEI	Ministry of Foreign Affairs and European Integration of Montenegro
MP	Member of Parliament
NCEI	National Convention on European Integration
NCEU	National Convention on the European Union
NGO	Non-governmental organisation
OSCE	Organisation for Security and Cooperation in Europe
OSF	Open Society Foundations
PC	Policy Center
RRPP	Regional Research Promotion Programme
SAA	Stabilisation and Association Agreement

SAP	Stabilisation and Association Process
SDP	Social Democratic Party (<i>Socijaldemokratska partija Hrvatske</i>)
SEIO	Government Office for European Integration
SEKO	Sectoral Civil Society Organisations
SFPA	Slovak Foreign Policy Association
SIPU	Swedish Institute for Public Administration
TACSO	Technical Assistance to Civil Society Organisations
TAIEX	Technical Assistance and Information Exchange
TS	Transparency Serbia
USAID	United States Agency for International Development
YIHR	Youth Initiative for Human Rights
YUCOM	Committee of Lawyers for Human Rights (<i>Komitet pravnika za ljudska prava</i>)

Chapter 1: Introduction

By the end of Croatia's accession process to the European Union (EU), a coalition of over 70 civil society organisations (CSOs) was forcefully campaigning to resolve outstanding shortcomings in the fields of human rights and judicial reform. It contributed in a decisive manner to the adoption of a new law on free access to information, shaped the EU's assessments of progress in the area of rule of law, and held the government accountable for its reform commitments during the ratification period of the membership treaty. Yet, following Croatia's EU entry, some of the coalition's leading members are grappling with severe financial difficulties and are struggling to face up to the conservative backlash that the Croatian society is experiencing post-accession (Dolenec 2015). In light of this marked decline, the evolving strategies and outcomes of civil society engagement in the EU accession process represent an intriguing object of study both for Europeanisation and for mobilisation research.

Research question and rationale

How do shifts in the political opportunity structure affect mobilisation strategies and their eventual outcomes? To what extent is the empowerment of previously marginalised domestic actors sustainable beyond the accession date? And which role does the EU play, in comparison to domestic factors and dynamics? This thesis analyses the strategies and impact of societal mobilisation in the context of Europeanisation. It studies the process of EU accession and the relative strengthening of civil society actors in candidate countries throughout this process. Focusing on the

rule of law, it examines the causal pathways of differential empowerment by systematically tracing civil society mobilisation and its eventual outcomes in Croatia, Montenegro, and Serbia. The central research interest of this thesis is to examine *whether, how and to what extent civil society actors have been able to use the EU accession process to empower themselves at the domestic level.*

The starting point of the investigation is the understanding that the process of Europeanisation brings about a significant shift in the political opportunity structure of both member states and candidate countries (Marks and McAdam 1996; Princen and Kerremans 2008). The analytical focus lies upon domestic agency and the ability of civil society actors to translate new opportunities into actual influence over the policy-making process, be it in procedural or in substantial terms. This actor-centred perspective allows for an analysis that goes beyond investigating the impact of EU-related opportunities on civil society empowerment that has been the focus of much of the previous scholarship (Börzel 2010a; Fagan 2010a; Kutter and Trappmann 2010). It acknowledges the importance of EU-level developments as a possible impetus for domestic change, but also incorporates horizontal dynamics in the form of transnational exchanges between civil society actors as well as factors located at the domestic level in order to assess the evolution and eventual degree of civil society empowerment. In order to expose the causal mechanisms underpinning the process of differential empowerment, the research question is split into three distinct analytical steps:

- 1) *How did the EU accession process shape the political opportunity structure under which civil society mobilisation occurs?*

2) *How and to what extent have CSOs adapted their mobilisation strategies to shifting opportunities?*

1) *How and to what extent did such mobilisation result in the effective empowerment of civil society actors on the ground?*

CSOs are understood to comprise the organised sectors of society seeking to shape policy-making outcomes, including non-governmental organisations (NGOs), citizens' associations, foundations, but also potentially trade unions, academic institutions and professional associations. This corresponds to the broad definition adopted by the EU in its dealings with civil society (European Commission 2001; 2012b). Yet, when it comes to the rule of law, most activities are conducted by a narrower circle of human rights and anti-corruption organisations that have flourished throughout the Western Balkans region thanks to the generous support of international donors, among which the European Commission features prominently. It is these actors that take centre stage in the empirical sections of this thesis. Empowerment is defined as a change in the relative strength of CSOs vis-à-vis executive actors (see Parau and Wittmeier Bains 2008: 111) that implies their ability to foster some form of domestic change (Sudbery 2010). As detailed further in the theoretical framework (see Chapter 3), empowerment may take either a procedural or a substantial form (see Kitschelt 1986).

Aims of the thesis and relevance

The purpose of this thesis is two-fold: first, it aims to flesh out the conceptualisation of differential empowerment by supplementing the narrow, top-down understanding of this notion prevalent in the Europeanisation literature with relevant insights from

the study of social movements and interest groups. This combination of different bodies of literature offers a novel perspective on dynamics of domestic change in the context of Europeanisation. Second, the thesis undertakes a comparative examination of civil society empowerment during the EU accession process of three Western Balkan countries (Croatia, Montenegro, and Serbia). Extending and complementing the findings from Central and Eastern Europe (CEE), it investigates mobilisation choices and their outcomes in a new empirical setting that has seen both a refinement of the enlargement process and a stronger emphasis by the EU on the involvement of civil society actors therein.

At the theoretical level, this thesis seeks to build bridges between Europeanisation and mobilisation research. So far, despite EU scholars borrowing from social movement terminology to address the domestic impact of Europeanisation, their discussions remain largely divorced from the substantial concerns of this area of scholarship. Börzel describes Europeanisation as an “emerging political opportunity structure” (Börzel 2010b: 6) and Schimmelfennig and Sedelmeier speak of “changes in the domestic opportunity structure” induced by conditionality (Schimmelfennig and Sedelmeier 2005b: 11). However, neither embeds their analysis within the existing debate on factors driving mobilisation and the connections between the political context and actors’ strategic choices. In return, whereas mobilisation research has increasingly addressed the role of organised interests in the Europeanisation context (Marks and McAdam 1996; Imig and Tarrow 2000), most studies concentrate on the interactions between EU-level actors and transnational interest groups, thus moving the analysis beyond the framework of the nation state and domestic policy-making (Beyers 2004; Eising 2004; 2007: 167; Klüver 2011; 2012).

Studying the domestic dynamics of Europeanisation through the lens of societal and interest group mobilisation, this thesis seeks to move forward the debate on both fronts. Its contribution to the field of EU studies consists in specifying the functioning of differential empowerment and highlighting the importance of domestic agency when it comes to explaining changes in the domestic power balance in response to EU-level incentives and pressures. With regards to mobilisation studies, it applies earlier insights from this field to a novel context, namely that of the triangular relationship between EU, state, and civil society actors during the accession process.

In terms of its practical relevance, the thesis explores the limits of external democratisation and provides a critical assessment of the EU's efforts to encourage participatory policy-making in enlargement countries. Given the large amounts of funding invested in the strengthening of civil society throughout the accession process (see Chapter 5), it is useful to investigate the usages made by domestic civil society actors of resources and opportunities provided by the EU, and to examine whether such usages have translated into their actual empowerment. The empirical findings provide pertinent insights when it comes to potential refinements of the EU's policy of civil society support as well as to international donors seeking to strengthen civil society in contexts of democratic transition more broadly. In addition, conclusions related to ongoing obstacles to the effective empowerment of civil society actors can offer useful pointers to CSOs and interest groups in both candidate and member states that are keen to mobilise in a multi-level setting. Finally, improvements in the rule of law are crucial both for the membership negotiations and for the eventual democratic performance of a new member state. An examination of the role and impact of

domestic actors in forging changes in this field offers valuable insights into which strategies are most promising to foster sustainable adaptation in this key reform area.

Approach and methods

This thesis strives to unpack the process of differential empowerment through a close study of civil society actors' mobilisation choices and their outcomes across three country case studies. Building on Europeanisation scholarship, social movement theory and interest group research, it divides the empowerment process into three distinct stages and examines the causal mechanisms that connect these stages to one another. It investigates shifts in the structural environment of mobilisation as the result of the professionalisation of CSOs, the institutionalisation of their relations with state officials and the product of feedback effects from CSOs shaping their environment through interactions with the EU. When it comes to mobilisation strategies, the role of indirect coercion, framing and persuasion is examined.

The empirical analysis traces the presence and relative importance of these causal mechanisms. It highlights differences in strategy both within and across cases, and discusses how these play out regarding the strengthening of civil society actors at the domestic level. By combining an analysis of EU-level pressures and incentives with a close study of domestic interactions, the design acknowledges both the importance of external incentives and constraints and the crucial role of actor intermediation that determines the form and degree of change in candidate countries.

The thesis is qualitative in nature. It examines processes of mobilisation and their results across three countries: Croatia, Montenegro, and Serbia. The comparative

approach facilitates the assessment of similarities and divergences in the strategies pursued by civil society actors, shedding light on the varying causal pathways that lead towards differential empowerment in the accession context. Moreover, the juxtaposition of three countries that are situated at different stages of the enlargement process allows for an analysis of the mutual influence between countries. This incorporation of horizontal dynamics in the form of diffusion and learning distinguishes the approach from previous in-depth studies, which mostly focus on civil society mobilisation in a single empirical setting (Raik 2006; Parau 2009; O'Dwyer 2010; Sudbery 2010) or offer a parallel study of several countries, failing to investigate possible links between them (Börzel and Buzogany 2010; Dimitrova and Buzogany 2014).

Moreover, whereas existing research mostly focuses on dyadic relationships between the EU and one specific subset of domestic actors, such as executives (Grabbe 2001; Lippert et al. 2001) or CSOs (Börzel 2010a; Fagan 2010a), the present thesis addresses the triangular dynamics connecting EU, state-level and civil society actors. It employs process-tracing in order to disentangle their interactions and to expose the causal mechanisms that drive mobilisation choices and their impact at the domestic level. This method is best suited due to its ability to tackle the 'how' questions that guide this research, as well as its sensitivity to temporality and the notion of evolving processes. The comparative application of process-tracing moreover enables the tracing of interactions *between* cases that constitutes one of the original contributions of this thesis.

The focus on the Western Balkans is not a simple attempt to transfer CEE results into a novel setting in order to test their broader empirical applicability. Instead, it springs from a desire to study civil society mobilisation in a significantly changed context, in which both EU actors and CSOs are thought to have learned from past experience. While civil society was still rather marginal during the CEE enlargement process (Raik 2006), there has been considerably more emphasis on this dimension towards the Western Balkans candidates (see Chapter 5). This adjustment in the EU's approach offers more opportunities for civil society empowerment, making a thorough investigation of these dynamics both theoretically and empirically particularly relevant.

The empirical analysis builds on extensive fieldwork in all three countries studied. Data collection comprised 132 semi-directive interviews with representatives of the EU and other international donor organisations, state bodies, and CSOs. Moreover, participant observation was conducted in the form of two research internships with local CSOs in Belgrade and Zagreb and through the attendance of 16 different events related to civil society throughout the region. Finally, documentary analysis of EU reports, national legislation and publications by civil society actors was used for the preparation of research visits and to follow up on information that was obtained orally.

Structure of the thesis

The remainder of this thesis is organised into eight substantive chapters and a conclusion. Chapter 2 situates the thesis within the broader field of Europeanisation research. It sets out the adopted understanding of Europeanisation as a process characterised by complex causality that requires an explicit engagement with both EU-

level dynamics and domestic agency to achieve satisfactory explanations of observed change. Moreover, it clarifies the basic premises of ‘differential empowerment’ both in theoretical terms and with regards to earlier findings from civil society mobilisation in CEE countries. It highlights the shortcomings in the current conceptualisation and the existing empirical work and discusses how this thesis seeks to remedy them by drawing on insights from social movement theory and interest group research.

Chapter 3 spells out the theoretical framework underlying the thesis. It discusses differential empowerment as a three-step process leading from EU-related opportunities via domestic usages to the eventual outcomes of mobilisation at the domestic level. It specifies the causal mechanisms thought to link the three steps to one another and emphasises the importance of feedback loops and dynamics of horizontal learning that are likely to feed into the process of differential empowerment. Chapter 4 presents the research design employed. It outlines the operationalisation of the theoretical framework, clarifies the use of comparative process-tracing and the underlying ontological assumption of mechanistic causality, and addresses case selection and methods.

The following four chapters are devoted to the empirical findings. Chapter 5 provides the background for the in-depth study of evolving mobilisation strategies and their outcomes across the three case studies. It outlines the shifting opportunities brought by the EU accession process both in general terms and with regards to the specific support provided by the European Commission to civil society actors in enlargement countries. Chapters 6, 7, and 8 offer fresh evidence about the mobilisation strategies of CSOs in Croatia, Montenegro, and Serbia. They address the three presumed stages

of differential empowerment in turn, highlighting changes in the political opportunity structure in response to the EU accession process and analysing mobilisation strategies and their outcomes at the domestic level. Chapter 9 revisits the insights from the three case studies in a comparative manner and clarifies the overarching claims they sustain. Finally, the concluding chapter summarises the main findings, highlights the contributions of the thesis and suggests avenues for future research.

Chapter 2: Literature review

This chapter serves to anchor the thesis with regards to the core theoretical debates it addresses. It clarifies the main assumptions behind this research and highlights the shortcomings in the existing literature that it seeks to fill. The first section surveys the emergence of Europeanisation research as a distinct subfield of EU studies and positions the thesis with regards to some of the key controversies that persist in this area. It addresses the challenge of establishing causality in a context characterised by multi-level interactions and non-linear effects and suggests that a close engagement with the mechanisms underpinning presumed processes of Europeanisation can offer a partial remedy.

The second section zooms in on differential empowerment as one of the key processes determining Europeanisation outcomes. It submits that existing conceptualisations focus too narrowly on the role of misfit as a trigger of differential empowerment, downplaying the importance of domestic agency both in shaping opportunities and in translating them into concrete change. It then briefly deliberates how the incorporation of insights from social movement theory and interest group research can usefully complement the dominant top-down understanding of differential empowerment, foreshadowing the fuller conceptualisation of the notion developed in the theoretical framework. The section concludes with a summary of earlier findings on the limited empowerment of civil society actors in the CEE enlargement countries that provide the empirical backdrop for the present study.

Europeanisation as a multi-faceted field of research

Early studies on European integration were largely concerned with explaining the emergence of this singular form of inter-state cooperation, with neofunctional and intergovernmental arguments pitted against each other (Haas 1958; Hoffmann 1966). As European cooperation expanded into ever more policy fields, Hix and Goetz recommended that in order to move the discipline forward “more sustained efforts at examining the domestic political effects of integration” were needed (Hix and Goetz 2000: 23). This analytical shift towards “bringing the domestic back in” (Buller and Gamble 2002: 9) signalled the conceptual departure of Europeanisation research from European integration theory.

Instead of analysing the factors producing joint action at the European level, scholars began to examine the reverse relationship, namely the influence of the EU and its institutions on the polities, policies and politics of its member states (Cowles et al. 2001; Börzel and Risse 2003: 59). Subsumed under the label of Europeanisation, this literature studies the domestic impact of Europe. Europeanisation research has experienced an impressive growth since the late 1990s, entailing both a theoretical sophistication and a geographical expansion of its remit in the run-up to the CEE enlargement of 2004. The following sections highlight some of the key debates within the subfield and position the approach adopted in this thesis in regard to ongoing theoretical and methodological controversies.

Competing conceptualisations: process, outcome and directionality

In a pioneering article, Olsen pointed out the “many faces of Europeanisation,” arguing that the term may be “less useful as an explanatory concept than as an attention-

directing device and a starting point for further exploration” (Olsen 2002: 921). Indeed, several authors have suggested that the fuzzy definition of Europeanisation creates an obstacle to the advancement of knowledge in the field (Eppie 2007; Bache et al. 2011). Broadly speaking, two competing conceptualisations exist: on the one hand, Europeanisation has been understood as an *outcome* or the “domestic adaptation to the pressures emanating directly or indirectly from EU membership” (Featherstone 2003: 7). In this vein, Europeanisation is considered to be a result, with a specific country, policy or institution having *become* Europeanised, to a possibly varying, but quantifiable degree (see Radaelli 2012: 7). This understanding guided earlier studies of in the field, with a survey of articles employing the term Europeanisation between 1981 and 2000 finding a majority of uses that posited it as the dependent variable (Featherstone 2003: 7).

In contrast, the term has also been used to describe a *process* of adaptation that acts more as a framework for domestic interactions than an end-state (Radaelli 2003: 52). The process-oriented understanding of Europeanisation emphasises the role of agency at both the EU and the domestic levels, claiming that “change occurs when political behaviour at the European Union (EU) level has a transformative effect on domestic political behaviour” (Radaelli 2012: 1). It is the latter approach that is adopted throughout this thesis. Europeanisation is treated as a process that brings shifts to the political opportunity structure, changing the context in which domestic interactions occur in ways that benefit some actors over others.

Closely connected to the competing conceptualisations of Europeanisation is the question of the directionality of change, which has found expression in the

confrontation between top-down and bottom-up approaches to the field. In one of the first articulations of top-down Europeanisation, Ladrech defines the phenomenon as

reorienting the direction and shape of politics to the degree that EC [European Community] political and economic dynamics become part of the organizational logic of national politics and policy making (Ladrech 1994: 70).

Other studies emphasise the relevance of bottom-up dynamics, be it in the form of member states uploading their preferences to the European level (Bulmer 1983) or of domestic actors shaping Europeanisation outcomes through their mobilisation (McCauley 2008; Sudbery 2010). The parallel existence of top-down and bottom-up dynamics, which most scholars agree characterises the empirical reality of Europeanisation process, has posed an important methodological challenge to the study of the phenomenon. In Fairbrass and Jordan's words:

Where does the analyst start to look for the causes and consequences of change if they are reciprocally interconnected? (...) a two-way definition of Europeanization lacks a set of dependent and independent variables. (Fairbrass and Jordan 2002: 142).

Faced with the intricacy of accounting for both upward and downward pressures within the same analytical framework, the majority of studies choose to 'bracket' one of the two dimensions in favour of a focus on the other (see Börzel 2002: 194). In analyses of Europeanisation in candidate countries, it is the top-down approach that largely dominates, as the following section outlines.

Conditionality and beyond: the special case of accession Europeanisation

In light of the specific context of the EU enlargement process, a separate strand of Europeanisation research emerged that devotes itself explicitly to the dynamics at play in the EU's engagement with accession countries (Grabbe 2003; Sedelmeier 2011). Based on the premise of an 'asymmetric interdependence' (Moravcsik and Vachudova

2003: 44) between EU-level actors and candidate states, studies generally focus on the extent to which the former have effectively been able to exert ‘transformative power’ over the latter (Grabbe 2006; Börzel and Risse 2009). One important difference between EU member states and those pursuing accession is the fact that Europeanisation – understood here in the outcome-focused sense as the domestic adaptation to requirements set out by the EU – has been formulated as a *condition* for membership, rather than a consequence that results progressively from interactions with the EU level (see Börzel 2010b: 5).

In consequence, Europeanisation research in the accession context has predominantly adopted a top-down, rationalist perspective (Börzel 2006: 111). Conditionality and the underlying prospect of EU membership are seen as the key drivers of domestic change (Kelley 2004; Schimmelfennig and Sedelmeier 2005c; Schimmelfennig and Sedelmeier 2005d; Grabbe 2006; Blockmans 2007; Schimmelfennig 2008). Domestic actors are thought to react to external incentives, with compliance depending on their cost-benefit calculations (Schimmelfennig et al. 2003; Schimmelfennig and Sedelmeier 2005c; Vachudova 2005). In this logic, the relevance of domestic factors is reduced to the political costs for a given national government to adopt a specific reform put forward as an accession requirement (Schimmelfennig et al. 2003: 514; Schimmelfennig and Sedelmeier 2005b: 9-10; Schimmelfennig and Sedelmeier 2007: 91).

Yet, the persistent variation in the effectiveness of EU leverage both across countries and across policy fields (see Sedelmeier 2011: 7) has come to challenge an analytical approach focused solely on the impact of conditionality on several grounds. First,

conditionality was recognised early on to be a ‘blunt weapon’ (Grabbe 2003: 316) that has often triggered only shallow forms of adaptation (Börzel and Risse 2012b: 193). Second, some authors suggest that the narrow focus on formal adaptation, by disregarding the lack of effective implementation of adopted changes, may have skewed early evaluations of the success of conditionality in CEE (see Hughes et al. 2005: 11-12; Elbasani 2013: 19;). Third, the temporal effectiveness of conditionality has been shown to be limited, with credibility and uncertainty over the accession date key factors in determining the degree of EU leverage over domestic actors’ behaviour (Steunenberg and Dimitrova 2007; Böhmelt and Freyburg 2013). Last and most crucially, the very same authors who initially developed the ‘external-incentives model’ to explain Europeanisation in CEE have since acknowledged that the 2004/2007 enlargement may have been a “turning point” (Epstein and Sedelmeier 2008: 796) for the effectiveness of conditionality, shifting their attention to the limits of external Europeanisation in the absence of a tangible membership perspective (Schimmelfennig 2008) and the study of democratic backsliding in the new EU member states (Sedelmeier 2012; 2014).

Whereas the incomplete transformation of the CEE countries already showed up the limits of EU leverage, the constraints of the EU’s ‘transformative power’ play out all the more forcefully in the ongoing enlargement process towards the Western Balkans, which are the empirical focus of this thesis. First of all, the crucial element of credibility is weaker in the ongoing enlargement round than it was for the CEE countries (Schimmelfennig 2008: 919). The Western Balkans arguably face much stronger political scepticism towards further enlargement (‘enlargement fatigue’) and

have responded to this perceived lack of enthusiasm on the EU's side by dragging their feet in meeting accession requirements ('reform fatigue').

Second, the sensitive nature of certain membership requirements directly affecting sovereignty and national identity, such as dealing with war crimes and outstanding statehood issues, increases the likelihood of limited or fake compliance (Noutcheva 2009; Freyburg and Richter 2010). Finally, the 'front-loading' of the accession negotiations with the particularly complex *acquis* chapters 23 and 24 dealing with the rule of law (see Nozar 2012) has given greater prominence to democratic conditionality, for which external incentives are believed to be less effective than for the more technical *acquis* conditionality (Schimmelfennig and Sedelmeier 2005a: 210; Kochenov 2008; Börzel 2010b: 23). The early opening of these chapters has further raised the bar for swift progress, undermining the dynamic of 'reinforcement by reward' that kept CEE candidates on track (Schimmelfennig and Sedelmeier 2005b: 11).

In light of these differences, domestic (f)actors are likely to carry much greater weight in the Europeanisation process, thus requiring a more explicit theorisation and incorporation into existing analytical approaches. In order to tackle the full complexity of the process of differential empowerment, this thesis proposes a sequential analysis that integrates both EU-level and domestic-driven elements, including feedback loops from the latter to the former. It proceeds by disaggregating the process of differential empowerment into distinct analytical steps organised in linear progression. The resulting close tracing of the process under study allows for an explicit engagement

with the difficulties of establishing causality in Europeanisation research that is covered in the following section.

Establishing causality in Europeanisation research

In addition to the complexity of addressing the directionality of change, Europeanisation research is faced with two distinct methodological challenges: on the one hand, the question of the overall relevance of EU-level pressures in producing domestic outcomes, and on the other, the problematic causal distance between such pressures and their effects. The first challenge was recognised in an early contribution to the literature, in which Goetz presented Europeanisation as “a cause in search of an effect” (Goetz 2000), pointing to a central problem in the field. Indeed, studies investigating the domestic impact of Europe often too readily take the shaping power of the EU for granted, failing to investigate alternative sources of influence (see Haverland 2005).

In reference to their theoretical underpinnings, designs applying such an approach are termed to be ‘top down’ in that they take as their starting point a discrepancy between EU-level policy and the situation in a member states, and explain the presence or absence of domestic change on this basis (Exadaktylos and Radaelli 2009: 510). In what has become one of the most widely used reference points for the conceptualisation of the EU’s impact on its member states, Börzel and Risse indeed insist on the crucial role of ‘misfit’ as a trigger for change (Börzel and Risse 2003: 58). While acknowledging that the adaptational pressures resulting from a discrepancy between EU-level and domestic rules “constitute a necessary but not a sufficient condition for expecting domestic change”, they confine the relevance of domestic

variables to “facilitating factors (...) [that] respond to the adaptational pressures, thus inducing the change” (ibid.: 58).

However, the absence of systematic engagement with potential rival causes carries the evident danger of bias towards EU-level explanations (Radaelli and Pasquier 2007: 40). Contrasting the emphasis of the dominant ‘top-down’ design on EU pressures, Radaelli and Exadaktylos therefore posit a ‘bottom-up approach’ that:

exogenizes the EU level (...) [and] starts from the set of actors, ideas, problems, rules, styles and outcomes at the domestic level at time zero (...) [W]as the cause of this major change domestic, or did the change come from exogenous variables like the EU-level variables or global-level variables? (Exadaktylos and Radaelli 2009: 510).

Such an emphasis on dynamics at the domestic level and a logic of ‘backward-tracing’ (see Scharpf 1997) from the outcome to its initial triggers allows for the incorporation of a significantly broader range of potential causes. Pinpointing the problem of an exclusive focus on the EU as a cause for domestic change, Haverland deplored that

the question of *whether* and to *what extent* the EU matters has drawn relatively little attention compared to the question of *how* the EU matters” (Haverland 2007: 67, emphasis in original).

The research question for this thesis explicitly incorporates not only an assessment of the causal pathway leading from EU-level pressures to civil society empowerment, but precisely also the dimensions of whether such a connection can be established, and to what extent it accounts for the observed outcome.

The second methodological challenge for Europeanisation research consists in the causal distance between EU pressures and their eventual domestic impact. Goetz expressed concern over the “missing link” between pressures emanating from the EU level and “their interactions with national conditions” (Goetz 2000: 222). In a volume

dedicated to research design in Europeanisation research, Radaelli similarly emphasised the importance of “showing exactly how X and Y are linked” (Radaelli 2012: 11). The engagement with specific mechanisms of Europeanisation has emerged as one of the possible solutions to address the problem of causal distance (Vink and Graziano 2007; 16-17; Radaelli 2012: 11).

In an early conceptual approach to this type of understanding, Knill and Lehmkuhl identify three separate mechanisms that speak to three different types of EU policy-making (Knill and Lehmkuhl 1999: 1-2; 2002: 256). They distinguish between institutional change, whereby domestic actors reshape existing arrangements in response to the EU’s institutional set-up; opportunity change, which centres on shifts in the domestic opportunity structure resulting from new policy options being created by the EU level; and the alteration of domestic beliefs and expectations, which leads to a more gradual adaptation of domestic arrangements (ibid.: 258). Despite providing some depth to the understanding of the EU’s impact on domestic change, these mechanisms remain informed by a hierarchical understanding of Europeanisation that fails to adequately account for domestic agency or alternative sources of inspiration that may shape forms of adaptation.

In an effort to highlight the importance of going beyond simplistic approaches to domestic change that narrowly focus on top-down pressures, this thesis proposes to unpack one precise pathway to domestic adaptation, namely the process of differential empowerment. In doing so, it engages explicitly with the causal mechanisms underpinning this process, thereby avoiding the pitfall of overestimating the EU’s influence from the outset of the research design.

Intermediary conclusion

The multi-faceted and complex nature of Europeanisation processes complicates a comprehensive and methodologically sound investigation of dynamics of domestic change. There is a risk of overemphasizing the role of EU-level factors, but also the difficulty of tracing causality along an extended chain of interactions that eventually produce the outcome of interest. While top-down approaches dominate the study of accession Europeanisation, the context of the Western Balkans has highlighted the shortcomings of such an approach in light of the reduced effectiveness of EU leverage.

This thesis embraces the causal complexity of Europeanisation by explicitly incorporating the interactions between EU, domestic, and possibly transnational dynamics into its theoretical framework. The research interest lies in disentangling the causal mechanisms and intervening factors that shape domestic outcomes with a view to providing a fuller specification of the causal process at work. The following discussion centres on differential empowerment as a conceptual entry point for this endeavour.

Europeanisation as differential empowerment

Differential empowerment has been put forward as one of the key mediating factors shaping the effectiveness of the EU's transformative power in its member states and beyond (Cowles et al. 2001; Börzel and Risse 2003; Schimmelfennig and Sedelmeier 2005c). At its core, differential empowerment denotes domestic power shifts as a result of the transformed context within which domestic interactions take place. The first section outlines the basic premises of this concept, pointing to significant shortcomings when it comes to its conceptualisation and operationalisation. Drawing

on social movement theory and interest group research, the following section suggests that insights from these bodies of work can usefully complement the top-down, misfit-focused interpretation that has been put forward in the Europeanisation literature. Finally, a summary of previous findings on civil society empowerment during the CEE enlargement and existing assessments of this dynamic in the Balkans accession candidates serve to sketch out the intended empirical contribution of this thesis.

Beyond misfit: the role of domestic agency

The concept of ‘differential empowerment’ was initially put forward by Risse et al. as one of five intervening factors determining domestic change (Risse et al. 2001: 2). Echoing the top-down approach that is prevalent in the Europeanisation literature, differential empowerment has been cast as the result of two distinct conditions: first, a misfit between policies or institutions at the European and the domestic level that results in adaptational pressures, and second, the capacity of domestic actors to exploit such a misfit in their favour by using new opportunities and avoiding constraints resulting from it (Cowles and Risse 2001: 230; Börzel and Risse 2003: 64).

In theoretical terms, the concept is anchored in the rational institutionalist framework that centres on a ‘logic of consequences’ that presumes actors to behave strategically in ways that are likely to maximise their power or the benefits they draw from an agreement (March and Olsen 1998: 949-950; Schimmelfennig and Sedelmeier 2005b: 9). Rational actors whose interests overlap with those pursued by the EU would therefore tend to “use the adaptational pressures in their favor to bring about institutional change” (Cowles and Risse 2001: 230). In the accession context,

differential empowerment is thought to be tied to the enabling function of conditionality (Börzel 2010b: 10).

However, two central weaknesses are inherent to the current conceptualisation of differential empowerment. First of all, the strong emphasis on misfit as an “analytical starting point” (Schimmelfennig and Sedelmeier 2005b: 11) and even a “necessary condition for expecting *any* change” (Börzel and Risse 2000: 18, emphasis in original) appears to reduce domestic actors to the status of mere intermediary variables. Differential empowerment thereby becomes a structural effect and a near-automatism, whereby

[t]hose who profit from or are normatively aligned with the policies and rules emanating from Brussels will promote domestic institutional change (Börzel and Risse 2012b: 199-200).

Even the limited recognition of the importance of domestic factors encapsulated by the insistence upon actors’ capacities to draw on adaptational pressures is cast essentially in institutional terms. Namely, the absence of multiple veto points inhibiting domestic change and the existence of facilitating formal institutions that would favour societal mobilisation as potential mediating factors (Börzel 2006: 104). Such a rigorous conceptualisation seemingly strips domestic actors of independent agency in the absence of a misfit (Jacquot and Woll 2004b: 6) and neglects the possibility for domestic mobilisation without the presence of explicit adaptational pressures (Sanchez Salgado and Woll 2007: 151-152).

This undue framing of differential empowerment as a top-down process in which a discrepancy between the EU and the domestic situation is a necessary trigger for shifts in the domestic power balance has translated into an incomplete operationalisation of

the concept, complicating its empirical application. Whereas a number of authors borrow vocabulary from social movement theory (Fairbrass and Jordan 2002: 143; Schimmelfennig and Sedelmeier 2005b: 11; Börzel 2010b: 6), they generally fail to follow through with their use of this body of literature when it comes to specifying *how* differential empowerment occurs. O'Dwyer comes closest to a fruitful engagement with both Europeanisation and social movement scholarship, pitting the two approaches against each other and competitively testing their explanatory power in his study of LGBT mobilisation in Poland (O'Dwyer 2012).

This thesis goes a step further in suggesting that an incorporation of certain insights from mobilisation studies into the operational definition of differential empowerment can serve to shed light on the domestic dimension of this phenomenon, thereby contributing to a fuller empirical appreciation of the dynamics at play. It does so by employing a framework of 'usages' developed in the sociological approach to Europeanisation (Jacquot and Woll 2004a; Woll and Jacquot 2010). The following section briefly highlights which elements of mobilisation studies may usefully feed into such a more complete specification of differential empowerment.

Differential empowerment from a mobilisation perspective

Borrowing the vocabulary used in social movement scholarship, differential empowerment has been qualified as a change in the domestic political opportunity structure through the introduction of the EU as a new and highly relevant actor level (Schimmelfennig and Sedelmeier 2005b: 11). Alternatively, it has been described as a process of power redistribution at the domestic level through the provision of new resources (Börzel and Risse 2003: 58; Langbein 2010), echoing the precepts of

resource mobilisation theory. Combining both of these approaches in a particularly sweeping definition, Fairbrass and Jordan put forward that:

(...) the Europeanization process has altered the relations between state and non-state, sub-national, national and supranational actors because it has modified the opportunities and threats present in their external environment and this in turn has consequences for their resources, objectives and behaviour (Fairbrass and Jordan 2002: 143).

In light of this frequent reference to some of the core theoretical concepts and approaches put forward in mobilisation studies, it is useful to review some of the central debates in this field in order to highlight how its insights can be applied to the study of domestic agency in the context of Europeanisation.

At the core of mobilisation studies lies the desire to parse out the relative importance of structural conditions and agency in favouring or constraining movement activity. In this sense, the two main theoretical approaches to the field insist on one of the two aspects more heavily. The political process model, which originated among scholars focused on political opportunities, emphasises the structural environment and how it determines mobilisation choices. Resource mobilisation theory, in contrast, insists more strongly on elements internal to the movement. Each have valuable insights to contribute to the study of the domestic dimension of differential empowerment, which will be highlighted in turn.

The political process approach is largely structural, emphasising the importance of the institutional and environmental context of movements. It long dominated the field, with American scholars placing an early emphasis on political opportunities as drivers of mobilisation and movement development (McCarthy 1996; Tarrow 1996). Supplementing the political opportunity approach with work by European scholars on

‘new’ social movements (Kitschelt 1986; Kriesi 1995; Rucht 1996), the political process model expands on the effort to explain social movements through the relationship between institutional political actors and protest by adding organisational and cultural factors to the equation (McAdam et al. 2001).

The focus of this approach nonetheless still lies upon political opportunities, as testified by the “largely consensual list” put forward by McAdam and his collaborators in an attempt to condense the most relevant factors influencing social movements from a number of prominent studies in the field a (McAdam et al. 2009: 263). Their proposed list of causally relevant factors for mobilisation spans the multiplicity of independent centres of power within the regime, the stability of power alignments, the regime’s openness to new actors, the presence of influential allies for movement demands, and the extent of movement repression (ibid.).

Despite their declared aim to define a joint approach to the field, political process scholars have been accused of conceptual stretching and of employing political opportunity structure as a “catch-all concept” (Princen and Kerremans 2008: 1143; see also Gamson and Meyer 1996: 275). Indeed, a very broad range of factors has been qualified as political opportunities, in some cases comprising very precise and contingent elements, the effects of which cannot be supposed to be equal across space and time (Goodwin and Jasper 2004a: 14). Moreover, there is a lack of specification as to the way in which these factors are supposed to influence movement emergence and trajectory (Amenta and Halfmann 2012: 232). Finally, several authors argue that while political opportunities need to be perceived as such and acted upon, the political process model neglects the cognitive processes that intervene between structure and

action (Fillieule 2005: 206; Della Porta and Diani 2006: 17-18). In doing so, the weight of social movement agency is slighted and a possibly exaggerated causal importance assigned to external factors (Morris 2004). This latter criticism closely resembles the reproach voiced in Europeanisation research regarding the frequent overstatement of the EU's causal weight in producing domestic outcomes.

Yet, given the focus of social movement scholarship on the domestic context, factors recognised as shaping movement development at the domestic level can actually serve to highlight instances where EU pressures may be reduced, or on the contrary reinforced, by interactions or structural conditions located within the candidate country. The existence of multiple access points at the domestic level, the openness of policy-makers to new actors and the presence of elite allies are indeed likely to shape mobilisation strategies and to influence the eventual extent of civil society empowerment. In this sense, these factors require explicit incorporation into the theoretical conceptualisation of differential empowerment, be it in the form of scope conditions or of intervening variables. Furthermore, their demonstrated relevance in the study of social movements, under which CSOs can be thought to fall, underscores the insufficiency of an approach solely concentrated on adaptational pressures and domestic actors' capacities to respond to the presence of a misfit.

In addition to providing theoretical pointers for the specification of the domestic dimension of the empowerment process, debates within social movement research also serve to advance the methodological quest pursued in this thesis. Arguing in favour of a more in-depth engagement with the intricacies of the mobilisation process, the core proponents of the political process model have been advocating a 'mechanism-and-

process approach' (McAdam et al. 2001: 24; McAdam et al. 2008: 308) that seeks to push scholars to go beyond variabilism and the sterile opposition between structure and culture (Steinberg 2004: 124). Instead of searching for necessary and sufficient conditions for contentious processes, McAdam and his collaborators suggest studying recurrent causal mechanisms that may hold across a variety of situations (McAdam et al. 2001: 12-13). The mechanistic understanding of causality advanced in this thesis similarly contrasts with the emphasis on misfit as a necessary and domestic capacities as the sufficient condition for differential empowerment.

The study of interest groups in the context of European integration has seen the resurgence of resource mobilisation theory as an approach to understanding the internal dimension of mobilisation strategies (Beyers and Kerremans 2007; Eising 2007: 172). Different types of resources have been singled out. First, there is the obvious relevance of financial resources that amplify a group's margin of manoeuvre and its capacity to engage with several types or levels of actors simultaneously (see Princen and Kerremans 2008: 1131). Second, scholars have emphasised the importance of expertise or 'access goods' that interest groups can offer policy-makers in exchange for a seat at the table (Bouwen 2004). Additional research has shown the degree of groups' access to be related to the informational needs of decision-makers (Chalmers 2013: 54). Third, organisational resources allow groups to engage in networking or coalition-building to strengthen their position (Fairbrass and Jordan 2002: 147-148; Chesters and Welsh 2011: 7-9). Arguably, a sufficient amount of relevant resources is thus a precondition for effective mobilisation, warranting the inclusion of this aspect into the analysis of mobilisation choices. Moreover, the

provision of new resources provides a direct connection between the EU level and domestic groups, thus bridging the potential dichotomy between the two levels.

In sum, insights from social movement theory and interest group research provide a number of useful concepts that can feed into the development of a more comprehensive framework that integrates domestic interactions and internal movement characteristics into the analysis of differential empowerment. An incorporation of these literatures into the study of Europeanisation thus both allows for a fuller theoretical specification of the differential empowerment process and highlights relevant domestic institutional and structural factors likely to shape the outcome of civil society mobilisation. Moving from the theoretical to the empirical contributions that inform the approach adopted in this thesis, the following section is dedicated to previous findings on civil society empowerment in the enlargement context.

Civil society empowerment revisited

The enlargement process towards the CEE candidate countries saw the introduction of an explicit support provided by the European Commission to domestic civil society actors as a measure to flank ongoing negotiations. This emphasis on a new actor level triggered a corresponding emergence of academic interest in studying the effects of the EU's support on local CSOs. However, studies of civil society empowerment in the CEE context have produced rather ambiguous outcomes. Scholars have highlighted the 'bounded empowerment' of civil society actors (Sudbery 2010: 154) and their inability to emancipate themselves from the EU's accession-driven agenda (Fagan 2010a), while others emphasise the importance of transnational actors as an enabling force for domestic activists (Langbein 2010; Parau 2010). Börzel and Buzogany point

to a ‘double weakness’ by suggesting that state and non-state actors lack both the capacities and willingness for productive engagement, resulting at best in EU support

empower[ing] civil society and business *against* the state by strengthening their capacities to hold governments accountable (Börzel and Buzogany 2010: 176-177, emphasis added).

In addition to this pessimistic assessment of actors’ capacities, the executive-driven nature of negotiations (Grabbe 2001), the technocratic focus of the accession process on law adoption (Kutter and Trappmann 2010) and the speed and extent of required adjustments (Raik 2006) have been circled out as impediments to a more extensive involvement of civil society in the CEE membership negotiations.

In sum, findings suggest that while EU support contributed to reinforcing large CSOs whose concerns were aligned with those put forward by the European Commission during the accession negotiations, it failed to trigger a deeper and more sustainable empowerment of civil society actors at the domestic level (Raik 2006; Börzel and Buzogany 2010; Kutter and Trappmann 2010). Some authors even point to the perverse effects of EU funding, considering that domestic CSOs have become largely instrumentalised as “functionaries of good governance” (Fagan 2006: 122) and “agents of an agenda set at the EU level” (Sudbery 2010: 154).

Despite providing relevant insights into the ambivalent effects of EU support, the EU focus inherent to most existing studies adopt tends to overlook civil society actors’ ability to mobilise strategically. This results in the importance of independent agency and the emergence of strategic usages of shifting opportunities being neglected. Mirroring the dominant approach in the field of accession Europeanisation, studies of civil society mobilisation in this process similarly adopt a top-down perspective that

consists of an evaluation of the impact of EU support upon civil society actors on the ground (Börzel 2010a; Fagan 2010a; O'Brennan 2013). This perspective casts CSOs as recipients of aid rather than as actors in their own right. It therefore stands in contrast to the theoretical recognition that the degree of eventual empowerment depends crucially on the capacity of civil society actors to take up new opportunities provided by the EU level (Parau and Wittmeier Bains 2008: 116; Börzel and Buzogany 2010: 176; Börzel and Risse 2012a: 11). Thus, whereas the existing literature points to important limitations of civil society empowerment driven by external actors, the analytical perspective remains very much focused on the role of EU pressures and incentives in triggering domestic change, with CSOs conceptualised as vehicles or instruments of EU-level actors.

It is on this count that the present study challenges the dominant view: by adopting an actor-centred approach and focusing on the domestic usages of new opportunities opened by the accession process, it assesses to what extent the accession process can serve as a means for the self-empowerment of domestic civil society actors. As previously states, it conceives of Europeanisation as a context in which domestic interactions take place, rather than an end-point, thereby lending weight to civil society actors' independent agency. In an effort to unpack the concept of differential empowerment and to go beyond a top-down analysis, the emphasis lies on uncovering the precise mechanisms through which civil society actors seek to translate accession-related shifts in the political opportunity structure into domestic influence.

Intermediary conclusion

Differential empowerment provides a relevant, albeit under-conceptualised, entry point to the study of civil society mobilisation in the EU accession process. The main shortcomings in the existing use of the term consist in its emphasis on misfit as an initial trigger for domestic power shifts and the insufficient engagement with insights from social movement and interest group research. These bodies of work can usefully complement the Europeanisation literature by pointing to relevant institutional factors at the domestic level and highlighting the role of various resources internal to an organisation that are likely to shape mobilisation choices and their outcomes. Previous studies of civil society empowerment in the enlargement context offer a rather pessimistic view of the possibility for an effective strengthening of CSOs vis-à-vis a dominant executive. However, these limited results may result from the top-down perspective that downplays the role of domestic agency and thus risks overlooking dynamics that cannot immediately be related to adaptational pressures emanating from the EU.

Conclusion

This chapter served to articulate the thesis within the existing literature, outlining both areas of agreement and where it seeks to extend previous approaches. Situated firmly within a Europeanisation framework, this thesis adopts a process-based understanding of the term that allows for an explicit engagement with domestic and horizontal dynamics in the study of domestic change. In this sense, one of the central propositions defended in this thesis is that the EU accession process offers a framework that domestic actors can exploit to bolster their own positions in the national political arena both in procedural and substantial terms.

In light of the obvious theoretical and empirical limits of a dominant focus on EU leverage, the thesis argues that a more sophisticated understanding of differential empowerment is required. Whereas current approaches tend to treat domestic actors mostly as mediating factors for top-down pressures, the empirical complexity of domestic change requires an analysis of domestic agency that is unrelated to adaptational pressures, or at least engages with these creatively as opposed to passively. New opportunities brought by the EU accession process may favour domestic mobilisation, but its precise form and impact are certainly shaped by actors themselves. A close engagement with domestic agency must therefore be incorporated into a theoretical study of the Europeanisation process.

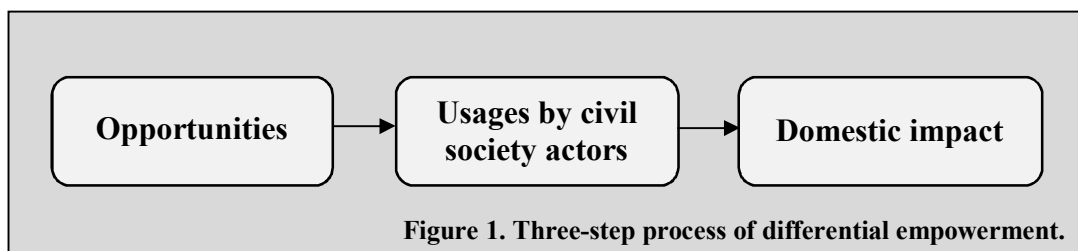
Such a more comprehensive approach also requires a methodological adaptation of the predominantly top-down discussion of Europeanisation in the accession context. This takes the form of a close, mechanism-based engagement with the process of interest that addresses the problems of causal distance and the direction of causality. The concept of differential empowerment itself is augmented through the explicit incorporation of insights from social movement theory and interest group. In sum, this thesis seeks to enhance existing approaches to differential empowerment by extending them both through the incorporation of theoretical insights from mobilisation studies and through a sophisticated use of process-tracing. The aim is to enable a full empirical analysis of the dynamics at play when it comes to the relative strengthening of civil society actors during the EU accession process. Having spelled out how the thesis seeks to respond to gaps and shortcomings in the existing literature, the following chapter formulates the theoretical framework underpinning this endeavour.

Chapter 3: Theoretical framework

The aim of this thesis is to examine the extent to which civil society actors are able to use the EU accession process to strengthen their position within the domestic policy-making process. It takes as its theoretical starting point the concept of differential empowerment that presumes shifts in the domestic power balance in response to changes induced at the EU level. It argues that previous studies analysing differential empowerment have tended either to relegate the role of societal mobilisation to a secondary position (Börzel and Risse 2003; Börzel and Buzogany 2010) or to posit explanations based on social movement research as an outright theoretical alternative to top-down, Europeanisation-driven power shifts (O'Dwyer 2012). This thesis suggests instead that the two approaches can effectively be married under the 'usages' framework that sees actors' mediation as a crucial link between opportunities and their eventual impact (Jacquot and Woll 2004a; Woll and Jacquot 2010). Differential empowerment is therefore conceptualised as a three-step process: (1) initial shifts in opportunities produce changes in the structural environment to which (2) domestic actors respond by strategically exploiting these new opportunities and incorporating them into their mobilisation strategies, and (3) this conscious and strategic mobilisation eventually produces the outcomes that are observed at the domestic level.

The analysis of domestic agency as a crucial intermediary step between shifting opportunities and domestic change lies at the heart of this thesis. Conceptually, this understanding is embodied by the 'usages' framework developed within the sociological strand of Europeanisation research (Irdelle 2006; Saurugger 2008;

Saurugger and Mérand 2010). The notion of ‘usages of Europe’ was initially put forward by Jacquot and Woll (2003; 2004a) and has since been taken up more broadly by scholars interested in highlighting the role of domestic interactions in the process of Europeanisation (Radaelli and Pasquier 2007; Sudbery 2010; Graziano et al. 2011a). Usages are first and foremost a heuristic device and a means of addressing the question “how does the EU matter?” (Woll and Jacquot 2010: 118) that takes the form of an analysis of actors’ uptake and responses to changes in their structural environment. Domestic actors are cast as “at the same time filters and users of European norms and rules” (Radaelli and Pasquier 2007: 38). Advocates of the concept submits that any attempt to establish a causal link between EU pressures and domestic change needs to envisage “European opportunities as a toolbox [for domestic actors] to advance their own interests or agenda” (Graziano et al. 2011b: 13). The figure below illustrates the three-step causal process of differential empowerment at its most basic level.



A core advantage of the usages approach lies in its emphasis on the actor-driven dimension of change. Rather than underlining structural factors and the impact of institutional constraints, it thus offers a framework to analyse the role of domestic agency in determining the shape and scope of domestic adaptation. In this sense, the usages approach offers an analytical focal point, rather than a new theory or a model (Woll and Jacquot 2010: 115). Indeed, the starting point is no longer the assumption that there is a necessary influence of the EU level upon domestic actors. Nor is there

an expectation that EU-level pressures are necessary for domestic actors to become active, as is the case in approaches centred on an initial misfit. By focusing the analytical effort on the ways in which opportunities and constraints play out at the actor level, an emphasis on usages does justice to the independent agency of domestic actors, which may respond in different ways to opportunity shifts – or not respond at all.

This chapter serves to flesh out the theoretical underpinnings of the three-step process of differential empowerment and to draw out the causal mechanisms that are assumed to connect the three stages to one another. The first section articulates the understanding of the EU accession process as a political opportunity structure that constitutes the first stage in this process. It suggests that the structural environment for mobilisation may be shaped by professionalisation, institutionalisation, and feedback effects emanating from civil society actors themselves. The second section is devoted to mobilisation strategies as the conceptual core of the thesis. It highlights venue choice and repertoire as the two dimensions of mobilisation strategies that are expected to be affected by shifts in political opportunities, and analyses the factors thought to shape actors' choices in these regards. Mobilisation outcomes are the focus of the third section, which clarifies the distinction between procedural and substantial empowerment and puts forward indirect coercion, framing, and persuasion as the three main mechanisms through which civil society actors may seek to affect outcomes at the domestic level.

Europeanisation as a political opportunity structure

European integration has been understood to trigger changes in the political opportunity structure (Knill and Lehmkuhl 2002: 258) that social movements and interest groups can exploit to their advantage (Marks and McAdam 1996; Imig and Tarrow 2000). The term has been used explicitly in previous studies of civil society mobilisation to account for shifts in the external environment that may impact mobilisation strategies and their effects (Parau 2009: 122-123; Börzel 2010a; O'Dwyer 2015). However, the criticisms formulated within social movement research towards the strong structural emphasis of the concept (Goodwin and Jasper 2004a; Morris 2004; Fillieule 2005) and its overly broad and ambiguous conceptualisation (Gamson and Meyer 1996; Amenta and Halfmann 2012; Jasper 2012: 7) guard against a narrow understanding of shifts in the political opportunity structure as a trigger for mobilisation. Such a use of the term would run the risk of repeating the shortcomings of the 'misfit' approach by downplaying the necessity for actors to take up opportunities, resulting in what Fagan describes as an

oversimplification and a failure to distinguish important differences amongst sections of the political elite and different components and levels of the institutional framework (Fagan 2004: 40).

It is therefore necessary to specify *how* certain shifts in the political opportunity structure are expected to affect the structural environment of mobilisation, and to address the role of actors in recognizing and even shaping opportunities through their actions.

The following sections discuss three separate mechanisms through which EU-level opportunities and incentives can shape the initial conditions for mobilisation. First, professionalisation focuses on the impact of EU funding and other forms of support on

the general capacities and orientation of the civil society sector. Second, institutionalisation addresses the structural arrangements in place that enable or constrain civil society mobilisation, and may change in response to adaptational pressures from the EU. Whereas the previous two mechanisms approach the phenomenon of mobilisation in a more linear fashion, the final section discusses the notion of endogenous opportunities that allows for an explicit incorporation of feedback effects into the analysis.

Professionalisation

From a top-down perspective, *professionalisation* can be seen as a process intentionally pursued by EU-level actors seeking to shape interactions at the domestic level. In view of creating strong organisations that can interact both with state bodies and serve as sources of information for EU officials, this approach consists in bolstering the capacities of local CSOs and transforming them into professional organisations able to engage in the policy-making process. Previous studies have suggested that such professionalisation has led to a streamlining of organisational strategies and their alienation from local constituencies (Ker-Lindsay 2013; O'Brennan 2013). A study of the impact of EU funding on the relative autonomy of CSOs in their dealings with the European Commission found no significant reduction in their ability to devise individual mobilisation strategies (Sanchez Salgado 2014). A close tracing of top-down effects of EU-level support will centre on the relative weight of CSOs' calculations in engaging in such professionalisation. Of particular interest is the extent to which civil society actors consider the new resources as a means to an end or, on the contrary, an additional burden that shifts their attention away from their core concerns.

Institutionalisation

In the EU accession context, candidate countries have been actively encouraged to improve the transparency and inclusiveness of their policy-making process through the introduction of formal mechanisms of civil society engagement in the policy process. In social movement research, the outcome of such routinisation of collective action and the actors participating therein has been termed *institutionalisation* (Della Porta and Diani 2006; Tarrow and Tilly 2007: 216-217). However, whereas an EU-driven perspective would lead to the expectation of a moderation of civil society activism through the privileging of formal routes, a focus on domestic interactions requires a more detailed engagement with the domestic political opportunity structure.

As both social movement research and interest group studies highlight, the openness of a political system is determined not only by the existence of formal channels for access, but also by the contingent receptiveness of policy-makers to external demands (Hilson 2002: 242; Princen and Kerremans 2008: 1131). With the latter depending on the evolution of political culture that is less easily altered than institutional arrangements (see Kuntz 2011), the effect of EU pressures on the structural environment of mobilisation is likely to at least initially take the form of a divergence between the degree of formal openness and a more limited extent of responsiveness of the political system.

Endogenous opportunities and feedback effects

Turning the causal arrow around, the last mechanism to be investigated is the role of feedback effects from the bottom up that shape the political opportunity structure in place. The evident shortcomings of a purely structural take on political opportunities

has led to a growing emphasis on the importance of activists' understandings of available opportunities and their active contribution to shaping venues for their demands (McAdam et al. 2001: 43; Meyer 2004: 57). One of the core precepts taken over in this thesis is the notion that political opportunities need not necessarily always be exogenous to interest group behaviour. Quite on the contrary, the endogenous perspective emphasises the dynamic interaction between the two dimensions. According to this approach, the political opportunity structure becomes an outcome of political and social processes in which interest groups actively participate (Princen and Kerremans 2008: 1129-1130). In brief, "opportunities both *exist* and are *made*" (Jenkins and Klandermans 1995: 7, emphasis in original) or, as Princen and Kerremans argue, it is:

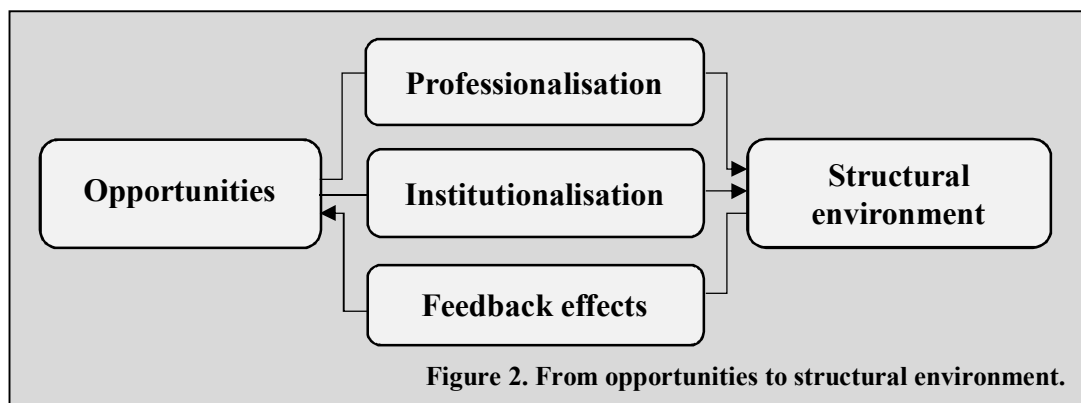
more fruitful explicitly to combine the two approaches to arrive at an understanding of the dynamic interaction between the effects of opportunity structures on interest group activity and the effects of interest group activity on opportunity structures (Princen and Kerremans 2008: 1143)

In Europeanisation research, such a reverse impact of domestic change (or activity) upon the EU level has been cast as "feedback loop" (Börzel and Risse 2007: 485). At the same time, scholars recognise that such effects typically remain understudied given the methodological complexity of analysing Europeanisation as a two-way process (Zürn and Checkel 2005: 1071; Checkel 2007: 69). In contrast, this thesis uses the temporal disaggregation of the empowerment process in order to enable an explicit incorporation of feedback effects into the causal analysis.

Intermediary conclusion

Building on the concept of 'political opportunity structure' that allows for an assessment of the external conditions under which mobilisation occurs, this section

addressed changes in the structural environment for civil society mobilisation as the first stage in the process of differential empowerment. Such structural shifts are expected to occur through three separate mechanisms: first, the professionalisation of CSOs in response to EU support; second, the partial institutionalisation of state-civil society relations through the creation of formal mechanisms of access to the domestic policy-making process; and third, feedback effects from civil society actors that contribute to shaping opportunities endogenously. The figure below illustrates the causal pathways connecting shifts in the opportunity structure to the structural environment in which mobilisation occurs.



This section served to highlight how new opportunities and adaptational pressures emanating from the EU accession process are likely to produce changes in the political opportunity structure in which civil society actors operate. It emphasised the interconnectedness of structure and agency in shaping the initial conditions for mobilisation. The following section zooms in on mobilisation strategies. It points to the dimensions in which an adaptation to structural changes is expected, and sets out the role of horizontal dynamics in the form of transnational exchanges as an additional channel guiding domestic actors' mobilisation choices.

Explaining mobilisation strategies

Expanding political opportunities are associated with an increase in mobilisation (Tarrow 1996). However, this general recognition is too vague to carry much explanatory value, making it necessary to specify which elements of the political opportunity structure are likely to favour movement activity, and which dimensions of mobilisation they are likely to affect (Gamson and Meyer 1996: 282–283). It is here that usages become relevant as an expression of the conscious and strategic uptake of shifting opportunities resulting from the Europeanisation context. The second stage of the differential empowerment process therefore focuses on mobilisation strategies and how they have responded to changes in the structural environment induced by the EU accession process.

The following sections outline resources, repertoire and venue choice as three crucial dimensions of mobilisation strategies. Building on social movement and interest group research, they discuss how domestic and EU-level factors and actions are likely to sway mobilisation choices in these regards. The final section puts forward transnational learning as an additional mechanism that may influence mobilisation strategies by means of horizontal exchanges between civil society actors from different countries.

Resources

Changes in the political opportunity structure alter the resources available to domestic actors. Such resources can be non-material, consisting of increased access or political support for previously more marginal positions, or may take the form of explicit material resources in the form of funding or technical support. The basic assumption

is that sufficient resources are required for initial and sustained mobilisation, with the focus being on organisational and financial resources (McCauley 2008: 1023–1024). Yet, even targeted support requires uptake at the domestic level, with the eventual impact of new resources depending on whether or how they are used. In this sense, additional resources may have either a helpful or a harmful effect upon the mobilisation strategies of civil society actors, or no effect at all (see Bakke 2013: 36).

In theoretical terms, a focus on resources implies an assumption of the rationality of actors, who are thought to allocate their resources strategically according to expected costs and benefits of their actions (Della Porta and Diani 2006: 15-16). Regarding empirical expectations, an increase in available resources is likely to have a quantitative effect, whereby more resources result in higher levels of overall mobilisation. Greater access to funding allows organisations to employ more staff, to carry out more activities, and to position themselves more visibly at the domestic level. In order to shed light on the otherwise vague link between new opportunities and resources and domestic mobilisation, an explicit engagement with actors' awareness for and willingness to use new resources is a crucial element in the analysis of differential empowerment.

Repertoire

Repertoire refers to the range of actions considered appropriate by a given organisation or movement in a given context (Tarrow and Tilly 2007). CSOs sit halfway between social movements and interest groups: their work is typically more structured than that of grassroots-based, mass-driven social movements, but their level of professionalisation is generally below that of established interest groups (see Rucht

1996: 187). As such, their range of possible activities is rather large. At the most basic level, one can distinguish between assimilative and confrontational strategies: the former are associated with multiple points of access and organisations working through established institutions, whereas the latter are more frequent in closed systems, in which organisations adopt disruptive strategies outside established policy channels (Kitschelt 1986: 66).

In a context of expanding opportunities, repertoire is expected to similarly expand, for instance to reflect a variation in institutional access. A full shift from confrontational to cooperative strategies would imply that formal openness is matched by the effective receptiveness of policy-makers to external demands. Moreover, institutionalised forms of engagement would be favoured by elite allies carrying CSO demands into the domestic policy process. At the same time, repertoire is an expression of traditional relations between state and civil society actors that may be slow to adapt to improved institutional arrangements. An analysis of repertoire therefore needs to engage closely with the formal set-up and prevailing political climate at the domestic level, which is expected to decisively shape the form of engagement privileged by civil society actors.

Venue choice

If repertoire denotes mobilisation formats, *venue choice* concerns mobilisation targets. The arrival of the EU on the stage creates a new arena for domestic demands (Fairbrass and Jordan 2002: 139) and a potential arbiter between conflicting interests (Marks and McAdam 1996: 274). For civil society actors, this opens the possibility of ‘venue shopping’ (Pralle 2003), whereby organisations target the actor level most likely to respond favourably to their requests (Princen and Kerremans 2008: 1134; Mazey and

Richardson 2015: 224-225). The ‘Brussels route’ emerges as an alternative to domestic mobilisation or the ‘national route’ (Eising 2007; Jelinčić and Đurović 2011), enabling organised interests to by-pass the state level and to target EU-level actors directly with their demands.

In line with the rationality assumption developed previously, it can therefore be expected that mobilisation strategies reflect civil society actors’ assessments of the venue most likely to favourably meet their demands. Interest group scholars have argued that the emergence of a multi-level governance structure imposes a ‘dual strategy’ on organised interests, whereby it becomes mandatory to combine multiple channels of access to be present in the policy process at all stages (Kohler-Koch 1997: 3). Given the civil society actors are unlikely to possess the required resources for such comprehensive engagement, one can instead expect to see their level of engagement shift over the course of the policy process or depending on the specific issue being debated. Previous research suggests that access conditions (Beyers 2004), the extent of domestic embeddedness (Beyers and Kerremans 2007; Eising 2007) and the degree of the target’s receptiveness (Fairbrass and Jordan 2002) are key to explaining interest groups’ propensity to engage with either the EU or the national level. A close tracing of these factors and of the corresponding venue choice privileged by civil society actors will therefore shed light on the strategic selection of mobilisation targets.

Transnational learning

Whereas the previous sections discussed civil society strategies with regards to EU-level and domestic factors likely to affect their mobilisation choices, mobilisation studies suggest that a third dimension is likely to hold causal weight. Namely,

horizontal exchanges between civil society actors from different sites may result in the adaptation of mobilisation strategies based on previous experiences. Indeed, the EU accession process takes place simultaneously, or at least in close succession, in a range of countries that share many characteristics with regards to their historical legacy and the domestic political opportunity structure in place. This structural resemblance and the parallel subjection of these countries to similar pressures emanating from the Europeanisation context open the door to processes of *diffusion*, whereby specific forms of contention spread across different empirical settings (Tarrow 1996: 52-53).

Learning has been shown not only to affect evolving mobilisation strategies within a given context. Instead, successful experiences – or informative failures – in one setting may also shape mobilisation choices in other sites (McAdam et al. 2009: 265). The examination of such transnational dynamics expands the analytical context beyond top-down pressures and the inclusion of domestic factors, and towards the incorporation of horizontal mechanisms of change (see also Crouch 2016).

Investigations of learning in the context of Europeanisation are typically framed in opposition to more rationalist accounts of adaptation based on cost-benefit calculations. They emphasise instead actors' internalisation of norms, where domestic change is thought to result from a 'logic of appropriateness' (Cowles and Risse 2001; Börzel and Risse 2003: 58-59; Schimmelfennig and Sedelmeier 2005b: 10). Learning thereby becomes an alternative to top-down pressures and conditionality-driven adaptation, with the focus instead on the horizontal transfer of knowledge and models between EU member or candidate states (Radaelli 2003: 31) or on dynamics of socialisation (Kelley 2004; Dimitrova and Rhinard 2005). Schimmelfennig and

Sedelmeier for instance posit the ‘lesson-drawing model’ as an alternative pathway to domestic change that is initiated in the concerned country itself (Schimmelfennig and Sedelmeier 2005b: 10). Yet, in the enlargement context, norm-driven adaptation has generally been shown to be less effective than domestic adaptation in response to external incentives framed in a ‘logic of consequences’ (Checkel 2005; Schimmelfennig and Sedelmeier 2005b).

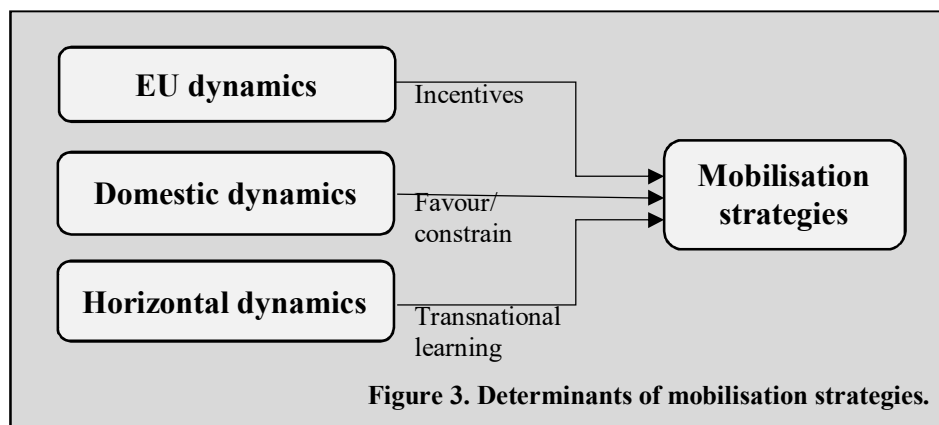
However, learning can also be understood in a more instrumental way as the transfer of lessons learned (Rose 1991; Gilardi 2016: 9). Such processes may be supply- or demand-driven. A special issue on diffusion in the context of Europeanisation thus distinguishes between a direct and an indirect form of this process: while the former comprises an ‘agent of diffusion’ actively promoting a certain policy or institutional model, the latter starts out from the receiving agent searching for an appropriate solution to a given policy problem (Börzel and Risse 2012a: 5). Moreover, previous research has shown the importance of transnational actors in enabling domestic civil society engagement (Langbein 2010; Parau 2010). The set-up of such dynamics is frequently asymmetric, with EU-level umbrella organisations or international NGOs advising local civil society actors on their mobilisation strategies and acting as powerful multipliers of their message.

Going beyond a top-down logic, it is possible to imagine more equal forms of collaboration between civil society actors from different countries sharing experiences and mutually influencing each other’s mobilisation strategies. Such transnational exchanges would represent instances of what has been termed ‘transactional activism’ (Petrova and Tarrow 2007). This concept emphasises the ability of civil society actors

to link up horizontally, including across borders, as a distinct capacity that may offset low levels of overall citizen participation. Given the recent experience of CEE countries in the accession process, and the emphasis on civil society in their democracy promotion efforts (Petrova 2015), it seems promising to investigate horizontal exchanges between CSOs from the CEE region and those in the Western Balkans.

Intermediary conclusion

Mobilisation strategies are the visible expression of rational actors' interpretations of the political opportunity structure in place. They are expected to reflect shifting opportunities and incentives provided by the EU level, but also domestic (f)actors that mediate or even counter the effective use of such new openings, as well as horizontal exchanges in the form of transnational learning. Strategic adaptations are expected to affect repertoire, either in the form of a moderation or, in the absence of effective institutional access, as a pluralistic engagement through a variety of channels. They may also concern venue choice, with civil society actors privileging those mobilisation targets thought to be most receptive to their demands. The figure below represents the three types of dynamics that are thought to weigh in on domestic actors' mobilisation strategies.



Mobilisation strategies are chosen in view of maximizing the likelihood of wielding effective influence over procedures and substantial outcomes at the domestic level. Still, they represent only a first step towards actual empowerment. It is to the explanation of mobilisation outcomes and the mechanisms connecting usages to their eventual impact that the following section is dedicated.

Explaining mobilisation outcomes

In line with the ‘usages’ framework, mobilisation is considered to be an intermediary step towards the effective empowerment of civil society actors. This section addresses the causal mechanisms thought to connect mobilisation strategies to domestic outcomes. Social movement research has generally tackled the issue of mobilisation outcomes by offering a typology of different forms of impact that mobilisation may produce (Schumaker 1975; Kitschelt 1986: 66-67; Betsill and Corell 2001: 75-76). The most fundamental distinction, embraced also in this thesis, is that between procedural and substantial influence over a given process. In the case of procedural impact, groups become formally recognised as legitimate representatives of their demands and gain new channels of participation that allow them to introduce their positions into the policy-making process (Kitschelt 1986). Betsill and Corell subsume under procedural influence also the ability of groups to put specific issues on the agenda or to shape the understanding of a given topic by a wider group of policy actors (Betsill and Corell 2001: 75-76). Substantial empowerment, in turn, is conceived as an impact on actual policy contents in the form of legislative, regulatory or institutional changes at the domestic level. It is important to underline that while the two forms of empowerment may occur simultaneously, they are not necessarily connected and may be observed independently from one another.

The following sections set out the three causal mechanisms through which mobilisation is expected to translate into empowerment. First, indirect coercion relies on the transformative power of conditionality. By uploading their demands to the EU level, civil society actors seek to exploit EU leverage in order to pressure national officials into accepting their requests. Second, framing suggests the strategic presentation of concerns in terms likely to resonate with domestic decision-makers, thus increasing the chances that the latter take action on the issue presented. Finally, persuasion operates at a more relational level and sees change as the result of decision-makers becoming convinced of the demands put forward by civil society actors.

Indirect coercion

Indirect coercion works through a ‘boomerang pattern’ (Keck and Sikkink 1998). This logic consists in civil society actors bypassing the state level to wield indirect pressure upon domestic decision-makers through the EU level. Unlike approaches that conceive of civil society actors as mere transmitters of EU pressures or “conduits for EU-driven policy reform” (Fagan 2010b: 205), this thesis supposes the active usage of EU leverage by civil society actors who seek to upload their demands into the EU’s conditionality. Engagement with EU officials therefore serves the strategic purpose not just of providing information sought by the EU level, but of shaping the assessment of reform progress on the ground and highlighting certain shortcomings that had previously escaped the EU’s attention. Evidence for this causal mechanism would highlight both the ongoing importance of EU leverage as a driver of domestic change and the ability of civil society actors to act strategically, confirming the importance of domestic agency in the process of differential empowerment. Indirect coercion is most likely to be applied in view of substantial empowerment through an integration of civil

society concerns into the adaptational pressures exerted by the EU, which in turn produce a specific substantive outcome at the domestic level.

Framing

Framing is recognised as a key mechanism in Europeanisation research, with its use aiming to

change the domestic political climate by stimulating and strengthening the overall support for broader European reform objectives (Knill and Lehmkuhl 1999: 3).

Specifically, the existence of EU standards is thought to provide discursive opportunities to certain actors (Della Porta and Diani 2006: 219), allowing them to put forward their demands in terms more likely to resonate with domestic opponents (Finnemore and Sikkink 1998: 897). Again, EU conditionality plays an important role, in this case by providing benchmarks for domestic reform efforts and presenting a useful reference point for CSO demands. The strategic goal of framing thus consists not in shaping conditionality itself, but in strengthening the legitimacy of specific demands by actively casting them in terms related to the EU accession process, thereby increasing the likelihood of decision-makers responding favourably.

Where civil society actors are able to back up their positions with international commitments undertaken by their governments, their positions are more likely to be taken seriously in domestic policy discussions. It can therefore be expected that civil society actors actively resort to, or even construct, such references in order to bolster their claims. Framing can be employed both in view of procedural empowerment, as a means to pressure decision-makers into accepting civil society actors into a specific

policy-making setting, or as a means to achieve a specific substantial outcome by presenting it as an EU membership requirement.

Persuasion

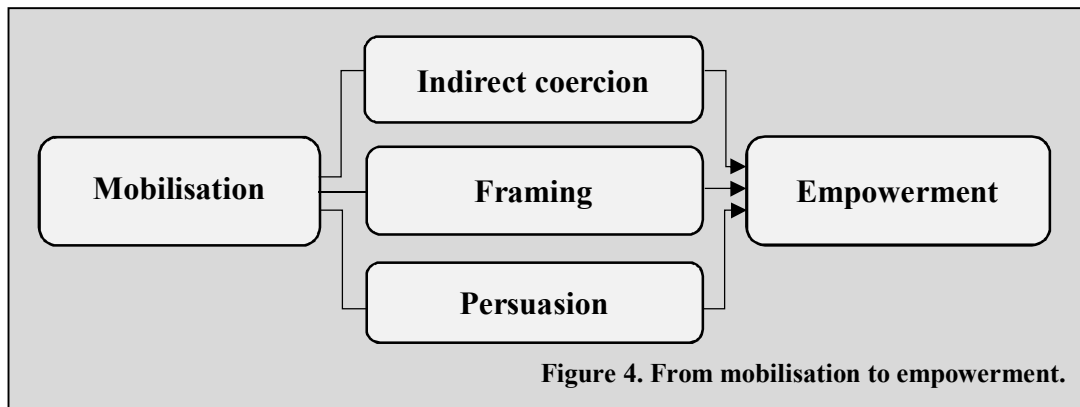
Whereas the two previous mechanisms were grounded in a rationalist logic, persuasion is based on sociological institutionalist presumptions. There has been a tendency in studies of accession Europeanisation to combine both approaches in order to parse out the relative effectiveness of conditionality-driven and socialisation-driven reforms, with most scholars concluding to a greater effectiveness of the former (Kelley 2004; Schimmelfennig and Sedelmeier 2005a; O'Dwyer 2010). In Checkel's words:

argumentative persuasion is a social process of interaction that involves changing attitudes about cause and effect in the absence of coercion. [...] persuasion is not manipulation but a process of *convincing* someone through argument and principled debate. (Checkel 2001: 562).

Given the actor-centred focus of this thesis, investigating such processes of interaction direct engagement of civil society actors with domestic decision-makers is useful in order to assess the effectiveness of a mechanism not immediately tied to EU leverage. Evidence of its usage would suggest a degree of emancipation of civil society actors from the need to back up their claims with EU pressures and thus imply a form of empowerment that is more sustainable than a strengthening immediately tied to the strategic usage of EU leverage. Persuasion is most likely employed in view of substantial empowerment, but may also be used in order to convince decision-makers of the need for a stronger procedural inclusion of civil society actors into the policy-making process.

Intermediary conclusion

This section distinguished between procedural and substantial empowerment as possible outcomes of civil society mobilisation. It outlined three causal mechanisms through which mobilisation may translate into effective power shifts at the domestic level. First, indirect coercion presupposes an effort by civil society actors to expand and shape EU conditionality in order to integrate their concerns into the pressures exerted by the EU level upon their national government. Second, framing concerns the presentation of demands at the domestic level that make direct reference to principles or obligations resulting from the broader Europeanisation process in order to strengthen their weight. Finally, persuasion is based more on an argumentative logic unrelated to EU leverage, whereby civil society actors seek to convince domestic decision-makers of their positions through direct interactions. The figure below recapitulates the presumed process.



Conclusion

If the Europeanisation context offers new opportunities to domestic actors, how do these translate into mobilisation and how, in turn, does mobilisation translate into effective empowerment? Building on the ‘usages’ approach, this chapter spelled out the theoretical framework guiding this thesis. It defined differential empowerment as

a three-stage process in which actors' strategic mobilisation provides the conceptual link between shifting opportunities and domestic change. The first stage of this process conceives of Europeanisation as a political opportunity structure. Changing opportunities are thought to shape the structural environment for mobilisation through professionalisation, institutionalisation and feedback effects from civil society actors back to the EU level. The second stage focuses on actors' mobilisation strategies as an expression of conscious usages of new opportunities. EU-level, domestic and horizontal dynamics are expected to affect these mobilisation strategies, particularly in regards to resources, repertoire and venue choice. Finally, the third stage centres on the outcomes resulting from mobilisation. A distinction was made between procedural and substantial empowerment, with indirect coercion, framing and persuasion put forward as causal mechanisms connecting the second and third stages of the differential empowerment process. The following figure brings together this theoretical framework.

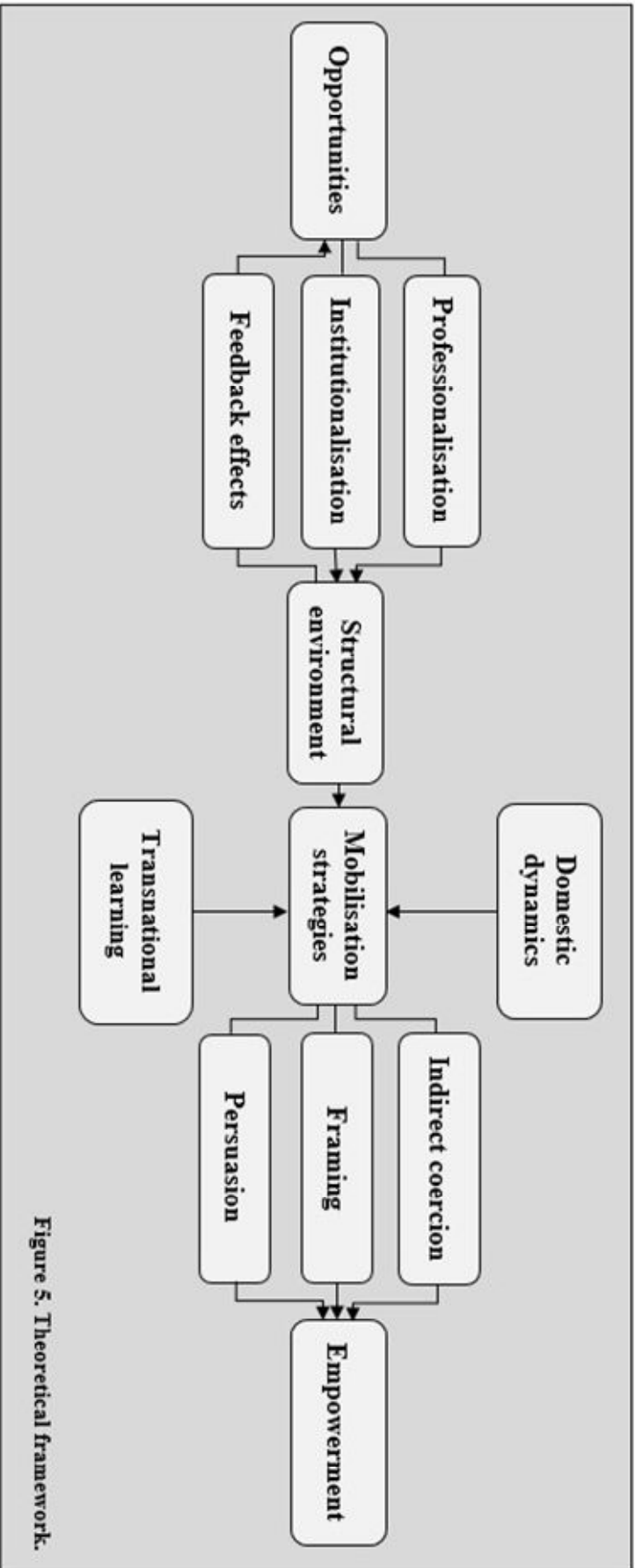


Figure 5. Theoretical framework.

By adopting an actor-centred, usage-based approach, this thesis seeks to provide a fuller conceptualisation of the process of differential empowerment. This framework includes the causal mechanisms expected to produce changes in the domestic power balance and incorporates EU-level, domestic and horizontal elements into the analysis. While acknowledging the importance of structural shifts induced by the Europeanisation context, it emphasises the crucial role of domestic usages as an intermediary stage in the empowerment process. Domestic actors need recognise and actively draw on new opportunities to translate new opportunities, and may do so in ways that go significantly beyond a mere bottom-up mirroring of EU pressures.

Whereas shifting opportunities affect the structural environment in which mobilisation occurs, domestic dynamics and transnational learning are expected to influence mobilisation strategies and shape the eventual outcomes of mobilisation at the domestic level. Finally, it is important to underscore that the hypothesised causal mechanisms are not expected to act in isolation of one another. On the contrary, they are thought to affect different dimensions of civil society activism, and are likely to shift over time and depending on the issue area at hand. The empirical analysis is therefore expected to show their presence to varying degrees depending on the specific domestic and issue context. With the theoretical framework fully specified, the following chapter turns to its operationalisation and sets out the research design employed in this thesis.

Chapter 4: Research design

How can the process of differential empowerment be assessed empirically? Radaelli distinguishes between three possible research designs for Europeanisation studies. First, the classical X-oriented approach seeks to determine the impact of a specific cause (often: adaptational pressures) on the extent of Europeanisation as an outcome. Second, a Y-oriented approach assesses whether a certain effect (e.g., institutional change) is determined by Europeanisation as a cause. Third, f-oriented designs use Europeanisation as a framework to study the relationship between X and Y in a way that need not necessarily be linear (Radaelli 2012: 9). The approach adopted in this thesis corresponds to the third logic in that it strives to unpack the process of differential empowerment by investigating the causal pathway leading from initial shifts in the political opportunity to the eventual presence and extent of civil society empowerment at the domestic level.

This chapter serves to expound the research design guiding this thesis. It begins by outlining the operationalisation of the previously specified theoretical framework and clarifying the indicators for the presence of each of the hypothesised causal mechanisms. It then discusses the use of process-tracing, spelling out the mechanistic understanding of causality that underlies this method and specifying its comparative application and how temporality and sequence are explicitly incorporated into the research design. The following section justifies the case selection and the choice of a specific policy area for study, and explains the periodisation chosen for the case studies. The final section discusses the methods employed for data collection.

Operationalisation of the theoretical framework

The theoretical framework posits a causal process model that dissects the process of differential empowerment into three distinct analytical steps that are investigated in turn. Taking each of the three stages in turn, the following sections engage with the indicators signalling the presence of the presumed causal mechanisms and the immediate effects of each of them upon the subsequent stage of the empowerment process. It begins with shifting opportunities as a structural result of the Europeanisation process, then covers the various dimensions of mobilisation strategies and the conduits through which they are influenced, and finally discusses the dynamics affecting mobilisation outcomes.

Shifting opportunities

The Europeanisation process has been widely recognised as a moment of shifting opportunities that brings new openings and resources for domestic actors (Fairbrass and Jordan 2002: 143; Schimmelfennig and Sedelmeier 2005b; Börzel 2006: 104). The theoretical framework put forward three separate mechanisms that are expected to shape the structural environment in which mobilisation occurs: professionalisation, institutionalisation, and feedback effects. Each of these concern a different dimension or actor level and therefore produce varying effects upon the structural context at the domestic level. Jointly, they are thought to contribute to a shift in the external circumstances under which civil society actors operate.

Professionalisation is most directly connected to civil society actors themselves and may be purposely pursued by the EU and other international donors or occur as a side effect of increased access to funding and training activities. Specifically, the EU

accession context tends to increase the amount of material support provided to local CSOs, both through grant schemes and various capacity-building measures that aim to equip them to engage in policy-related debates (see Maloney 2008: 23). The term professionalisation describes both the process whereby civil society actors become increasingly specialised and systematic in their everyday work, and the outcome of this development. This sees formerly loose and often membership-based associations of citizens replaced by professional organisations with clear internal hierarchies whose legitimacy is grounded on expertise (Adam 2008).

Institutionalisation refers to the dominant mode of interaction between state and civil society actors. The expectation put forward in the theoretical framework is that the EU's insistence on inclusive policy-making favours less confrontational relations. Such a general 'taming' of civil society approaches would find its expression in the reduction of protest-oriented activities and extra-institutional mobilisation in favour of more cooperative forms of involvement in the policy-making process (see also Gamson and Meyer 1996: 283; Dür and Matteo 2013). These may take the form of participation in formal consultations and the establishment of regular forms of interaction, including institutional channels, between civil society actors and policy-makers. A further indicator may consist in the creation of formal institutions in charge of mediating between civil society actors and policy-makers, suggesting a routinisation of relations. Yet, institutionalisation is expected to occur initially mainly at the formal level and therefore not necessarily to lead to a general moderation of civil society repertoires, as long as the formal openness of the policy-making process is not matched by a corresponding responsiveness of decision-makers.

Finally, the emphasis on *feedback effects* highlights the role of endogenous opportunities that result from the active engagement of civil society actors in favour of formal changes in the political opportunity structure. Indicators of such feedback effects comprise evidence of CSOs securing EU support for specific demands related to domestic access. The circular effect of such feedback loops requires a close engagement with the sequence of events in order to distinguish between domestic- and EU-driven changes in civil society actors' structural environment. The table below recapitulates the presumed causal mechanisms, the indicators for their operation, and their expected effects.

Causal mechanism	Indicators	Expected outcome
Professionalisation	Project-oriented grant schemes Expansion of technical support and capacity-building measures	Professional, expertise-based CSOs
Institutionalisation	Introduction of formal channels for participation & consultation procedures Creation of supporting institutions	Partial moderation of repertoires through institutionalised involvement
Feedback effects	CSOs pushing for formal changes at the domestic level	Legal and formal improvements to inclusion (possibly thanks to EU backing)

Table 1. Operationalisation of shifting opportunities.

Mobilisation choices

Mobilisation choices concern the concrete usages that civil society actors make of new opportunities emerging from the EU accession context when devising their strategies for engagement. They find expression through resources, repertoire, and venue choice, and may be additionally influenced by horizontal exchanges in the form of

transnational learning. These mobilisation choices signal the activation of changes in the structural environment and are thus an expression of the conscious and strategic agency of domestic actors. Mobilisation choices are not static, but on the contrary are likely to change following the initial response they receive by mobilisation targets. An empirical analysis therefore needs to trace actors' mobilisation strategies over time to account for shifts and readjustments that may occur along the way.

When it comes to *resources*, the availability of EU funding is likely to translate into a higher level of overall mobilisation and an increase in the proportion of EU grants relative to organisations' overall budget. A further indicator for the strategic mobilisation of resources is the development of projects explicitly related to EU accession either in the form of advocacy for EU membership towards citizens or in view of providing substantial input into the negotiations. Finally, new organisations created with a view to absorbing EU funds or becoming involved in the accession talks are a further sign of the strategic usage of additional resources. Given the widespread criticism of the perverse effects of donor support to local civil society (Chandler 2004: 236; Ker-Lindsay 2013; Beichelt and Merkel 2014: 53), it will be important to attempt to clearly distinguish between instances where EU funding shapes the civil society sector, and others where organisations draw strategically on available resources to strengthen their positions.

Changes in *repertoire* can be expected to be closely tied to the degree of responsiveness at the domestic level. While improvements in this regard are likely to result in more frequent and constructive interactions between state and civil society actors through formalised consultations, a lack of effective engagement through formal

channels will strengthen the relevance of extra-institutional mobilisation. In addition, civil society actors may devise new mobilisation formats allowing them to benefit directly from the ‘asymmetric interdependence’ their country is subjected to in the context of the accession talks. Such refinements of repertoire may be influenced by horizontal dynamics, with transnational exchanges bringing a convergence in mobilisation formats and the explicit incorporation of lessons learned from other empirical contexts into the domestic mobilisation strategy.

Finally, *venue shift* is an expression of the conscious extension of the mobilisation horizon beyond the domestic political system. Aiming to maximise the likelihood of receiving a positive response to substantial requests, indicators for venue shift can consist of mobilisation outputs specifically targeting EU-level actors through a specific format or language. Besides, decisions to target specific venues may be shaped by transnational learning. The table below recapitulates the dimensions of mobilisation strategies likely to be influenced by shifting opportunities and spells out the expected outcomes and factors influencing such changes.

Dimension	Influenced by	Expected outcome
Resources	Greater availability of resources Accession-oriented grant schemes	Increase in mobilisation level Surge in accession-related activities
Repertoire	Degree of domestic embeddedness/responsiveness Transnational learning	Expansion of repertoire; EU-oriented formats Convergence of mobilisation formats
Venue choice	Degree of domestic embeddedness/responsiveness Transnational learning	Strategic targeting of mobilisation efforts Creation of specific mobilisation outputs targeting EU-level actors

Table 2. Operationalisation of mobilisation choices.

Mobilisation outcomes

Strategic mobilisation outcomes refer to the results of the mobilisation choices made by civil society actors, thereby connecting domestic usages to the eventual degree of empowerment achieved. The theoretical framework discussed three possible pathways through which empowerment might be achieved: indirect coercion, framing, and persuasion. The causal mechanisms connecting shifting opportunities to changes in the formal environment for mobilisation were largely concerned with structural effects. In contrast, the three mechanisms discussed in this section refer to strategic options available to civil society actors, and which can be activated willingly in view of achieving a particular procedural or substantial outcome at the domestic level. More than in the discussion about the links between shifting opportunities and the structural environment, the causal mechanisms connecting mobilisation to its outcomes are alternatives. They are therefore likely to be present to differing degrees depending on the strategic calculations of civil society actors using them and their targets' responsiveness.

Indirect coercion represents an attempt to compel domestic decision-makers into complying with CSOs' demands by shaping the EU conditionality they are subjected to. Indicators of such an indirect, 'boomerang' empowerment strategy comprise an explicit targeting of the EU level with domestic demands in view of winning over EU actors as allies for a given request. Moreover, specific mobilisation formats or outputs may serve to link demands for domestic changes to the broader context of membership negotiations. This would serve to increase their salience for EU-level actors, and thus the likelihood of their incorporation into membership conditionality. The outcome of such indirect coercion are membership requirements that integrate specific demands

formulated by civil society actors, whose coercive power is then multiplied through EU leverage. It is noteworthy that while such an approach is probably most promising in the short run, its sustainability is highly questionable, given that EU leverage is set to dwindle following the accession date.

Strategic *framing* refers to efforts to tie civil society requests to existing conditions for membership in dealings with domestic decision-makers, thus bolstering their relevance and increasing the chances of a positive response. Indicators for such strategic framing are explicit references to existing membership conditions and the linking of new demands to broader pre-existing commitments. Outcomes of framing can consist in the emergence of new items in public discourse and the ensuing need for domestic policy-makers to position themselves with regards to these issues. Alternatively, accession-related framing may build up domestic pressure for state officials to respond favourably to demands.

While the previous two mechanisms imply the active usage of EU leverage either at the EU or at the domestic level, *persuasion* represents a subtler use of the EU accession process. In this case, civil society actors are thought to use the gradual shift not only in institutional arrangements, but in the overall political climate by privileging direct engagement with domestic decision-makers in an effort to convince them of the need to address certain procedural or substantial issues over the course of the membership negotiations. Indicators comprise both formal and informal contacts with state officials in view of transporting a message directly into the domestic policy process. The expected outcome is likely to be both more sustainable and more amenable to effective implementation, given that it is grounded in a common understanding for its

importance. Such outcomes have been qualified as ‘deep impact’ in the Europeanisation literature (Börzel 2006). The table below summarises the causal mechanisms, their respective indicators and the expected outcomes.

Causal mechanism	Indicators	Expected outcome
Indirect coercion	Bypassing of state officials; explicit targeting of EU actors Presentation of demands in reference to membership conditions	Integration of CSO demands into EU conditionality
Framing	Engagement at the domestic level Presentation of demands in reference to EU membership	New items on agenda Domestic pressure for change
Persuasion	Uploading of CSO demands for formal inclusion into EU conditionality	Sustainable change ‘Deep impact’

Table 3. Operationalisation of strategic mobilisation outcomes.

Intermediary conclusion

The operationalisation of the theoretical framework served to spell out the indicators suggesting the presence of the hypothesised causal mechanisms and the expected outcomes of their operation. It highlighted the observable implications of each of the three stages in the process of differential empowerment. Moreover, it insisted on the likelihood of seeing variance in the relative weight and specific form of each of these stages across the three case studies. The following section discusses more in-depth the methodological approach of comparative process-tracing that will be used to assess the dynamics and outcomes of differential empowerment across three different empirical settings.

Comparative process-tracing: combining within-case and cross-case analysis

The focus of the theoretical framework lies in disaggregating the process of differential empowerment into its distinct components, and specifying the causal mechanisms through which the three hypothesised stages in the process are connected to each other. Unlike previous studies that focused on dyadic relationships between the EU and a specific subset of domestic actors, the decomposition of differential empowerment seeks to shed light on the triangular dynamics connecting EU, state, and civil society actors. The following discussion outlines how the chosen methodology of process-tracing corresponds to the mechanistic understanding of causality that underlies this thesis, and addresses the specificities of its comparative use.

Process-tracing and mechanistic causality

Process-tracing has become an increasingly prominent methodology in the qualitative social sciences. Through its focus on causal mechanisms and the functioning of causality, it offers an alternative to more traditional approaches based on the search for correlation or constant conjunction. Initially applied in a somewhat disparate manner, process-tracing has become gradually formalised over the past decade. It was the landmark volume by George and Bennett (2005: chap. 10) that drove the wider recognition of process-tracing as a distinct approach to within-case analysis. More recently, the different functions of process-tracing (Beach and Pedersen 2013) and its application to different research areas (Bennett and Checkel 2015a) have been the object of extensive discussion.

Owing to the growing involvement of the scholarly community and the progressive emergence of shared standards, process-tracing has evolved from a form of

sophisticated story-telling to a credible and recognised way of tackling the complex causality that characterises social phenomena. Its focus on causal mechanisms (Trampusch and Palier 2016) and its explicit theoretical anchoring (Falleti 2006) distinguish process-tracing from more narrative approaches, and allow for conclusions that are potentially more widely applicable. Each of these two dimensions will be addressed in turn to clarify the use of process-tracing in the present thesis.

Early sceptics questioned the erection of process-tracing as an alternative approach to causal explanation. King, Keohane and Verba (KKV) claimed that process-tracing does little more than establish the causal effect between intermediate variables in an infinite regress towards ever shorter chains of causality, thus representing an approach that does not differ substantially from the more traditional understanding of causal inferences (King et al. 1994: 86). In their view, process-tracing is at best an operational procedure allowing researchers to increase the number of empirically observable implications (*ibid.*: 227), but not a separate definition of causality (*ibid.*: 87). However, this interpretation greatly simplifies the understanding of causal mechanisms that lies at the heart of process-tracing. Contrary to KKV's interpretation, this understanding goes far beyond the aim of establishing a causal chain between different intermediate variables that link a set of independent variables to their eventual outcome (Gerring 2007: 178; Falleti and Lynch 2009: 1149).

Despite a range of competing understandings of causal mechanisms (Gerring 2010), the general consensus is that they are distinct from a more covariational understanding of intervening variables (Beach 2013). Instead, a widely used definition holds that they represent:

frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences (Elster 1998: 45).

Causal mechanisms are thought to be general in nature, with their applicability not confined to the particular case under study (Zuckerman 2009: 75). Given the increasingly widespread reference to mechanisms in more descriptive accounts of events, scholars have emphasised the importance of identifying and measuring actual ‘mechanisms-as-causes’ that capture what makes an observed process happen (Falleti and Lynch 2008: 336).

It is such causally relevant mechanisms that the preceding theoretical framework seeks to specify, and that will be traced throughout the empirical chapters of this thesis. More broadly speaking, the focus on mechanisms allows for the breaking up of larger, explanation-seeking ‘why’ questions into a series of smaller questions about the causal process connecting initial conditions to a given outcome (Hedström and Ylikoski 2010: 51), which corresponds precisely to the theoretical interest of this thesis, which consists in unpacking the process of differential empowerment by disaggregating it into its distinct stages.

The notion of ‘theory-guided process-tracing’ denotes an approach whereby the researcher starts out with a set of hypotheses about the relevant causes and how they connect to the outcome of interest, and then explains these outcomes by going back in time and tracing events or processes that link the hypothesised causes with the outcomes (Falleti 2006: 12). Process-tracing has been presented as a combination of deduction and induction: whereas the case is deductively constructed, including the choice of theory and the temporal boundaries of the selected phenomenon, the

inductive dimension “involves ‘soaking and poking’ within a case and developing new explanations of its outcome” (Bennett 2013: 211-212). A extensive acquaintance the empirical material therefore allows for an uncovering of causal mechanisms that were not included among the initially hypothesised ones.

Specifying such additional causal mechanisms not only contributes to a fuller understanding of the empirical phenomenon under study, but makes a more broadly relevant contribution by postulating causal connections that may have been previously overlooked and might be present in other cases with similar characteristics. In this sense, the unpacking of the process of differential empowerment is likely to contribute an insight into the more general dynamics of the domestic intermediation of top-down pressures and can thus inform studies in other empirical contexts.

Comparative process-tracing: building external validity

Methodological accounts of process-tracing generally present it as a within-case approach. The analysis of a single empirical instance is thought to lend itself more readily to the need for extensive data collection required to achieve a deep familiarity of the process under study. The focus of process-tracing on *how* causality plays out explicitly contrasts with attempts to establish causal connections through consistent correlation across a large number of cases that characterises variable-driven approaches. Since it is the mechanisms linking different steps in the process that are considered to be potentially generalizable, rather than the process as such (see Beach 2013: 14), most authors have considered it obsolete to venture beyond a single case. The general advice goes that given the substantial resources required for close process-tracing, additional cases should be added only in exceptional circumstances, such as

the testing of a theory that underwent significant revision following an initial process-tracing study. Even in this instance however, many authors recommend that the revised theory be tested on new evidence from within the same case, rather than expanding a study to comprise other cases (Bennett 2013; Checkel and Bennett 2015).

Still, whereas process-tracing is able to generate exceptionally high internal validity, its lack of external validity has been identified as one of the major drawbacks of the method (Kittel and Kuehn 2013: 2). Specifically, the restriction to single-case designs limits the ability to assess how widely applicable a discovered causal process or its composite mechanisms actually are. Scholars have therefore called for more cross-case examinations of mechanisms (Hall 2013: 28). Against this backdrop, the comparative application of process-tracing chosen in this thesis appears promising for several reasons.

First, it can serve to specify the scope conditions under which a causal mechanism holds. If the assumption is that the same initial conditions may yield different outcomes depending on the context, it is interesting to assess the causal mechanisms at play and to see where the causal chain ‘breaks’ in the case where the outcome of interest is not present. While some authors derive such predictions from single cases, it is difficult to assess which elements of a mechanism are generalizable, and which must be attributed to features that are specific to the selected case (Bennett and Checkel 2015b: 13). Second, comparative process-tracing enables the inclusion of temporality as a potential causal factor (Büthe 2002), since the sequencing of cases may have an impact on outcomes through the interaction between different empirical settings. Finally, comparative process-tracing enables the researcher to select cases that vary with

respect to a specific element of interest that is thought to causally impact the process under study. For these reasons, this thesis resorts to comparative process-tracing, implying its parallel use across three separate case studies.

Intermediary conclusion

This thesis employs process-tracing as a particularly suitable method for the in-depth study of causal mechanisms producing a specific outcome of interest. It explicitly employs theory-guided process-tracing, meaning that it specifies the expected causal pathway and the causal mechanisms composing it prior to confronting the theoretical framework with the empirical data. The initial theoretical expectations are then refined through empirical analysis, which eventually produces a fully specified causal model of the process at play.

While embracing the merits of within-case approaches when it comes to uncovering the functioning of causality over its regularity, the thesis proposes to extend process-tracing through a cross-case comparison that adds a measure of external validity to the results. In tracing the presumed process of differential empowerment across different empirical settings, it aims to draw out certain scope conditions for the successful operation of the process and to gain a clearer insight into the relative weight of each hypothesised causal mechanism when it comes to producing the observed outcome. At the same time, the comparison serves to assess the importance of specific domestic factors that are present to varying degrees across the three case studies. With these cornerstones of the research design in mind, the following section lays out the rationale for the case selection and the periodisation of each chosen country study.

Case selection and periodisation

Case selection in qualitative research is deliberative, with the key criterion being “the relevance to the research objective of the study” (George and Bennett 2005: 83). The main research question of this thesis is the extent to which civil society actors have been able to use the EU accession process to empower themselves at the domestic level. A comparative study of mobilisation patterns and their eventual outcomes aims to highlight the importance of domestic agency through an assessment of similarities and divergences in mobilisation approaches under varying structural constraints. Case selection therefore required choosing appropriate countries for closer study, selecting a specific policy area in which mobilisation would be analysed, and defining the timeframe to be examined for each case study. All three choices are justified in the following.

Selecting case studies

Given the focus on civil society empowerment in the context of EU enlargement, the universe of cases that represent potential instances of the precise phenomenon under study is relatively small. A limited number of countries benefit from an explicit EU membership perspective that is likely to trigger the type of opportunities whose impact is to be investigated. Since the theoretical framework explicitly builds on the ambiguous findings from the CEE enlargement, and given that the EU’s policy of civil society support was significantly upgraded following the 2004/2007 enlargement, it seems advisable to prefer current candidate states over a historic case from the CEE region. For the same reason, a comparison between a CEE and a Western Balkan state would run into difficulties regarding the comparability of the general accession context (see Chapter 5). Moreover, since the explanatory factors for differences in mobilisation

strategies and outcomes are thought to reside largely at the domestic level, it makes sense to strive for a reasonably similar context when it comes to opportunities and constraints emanating from the EU level. The case selection therefore centres on those countries currently engaged in accession negotiations, or which completed these very recently: Croatia, Montenegro, and Serbia.

The choice of Croatia explains itself through the country's intermediary status as a 'bridge' between the CEE enlargement rounds and the ongoing membership talks with the candidate countries from the Western Balkans. While Croatia failed, largely due to its stalled democratisation throughout the 1990s, to 'upgrade' to CEE status in the way its neighbour Slovenia managed to, it did succeed in negotiating its accession rather swiftly following the opening of talks in October 2005, with negotiations closed in June 2011. The accession process itself was marked by an ever stronger focus on the EU's side on putting adopted reforms into practice, in an attempt to foster deep change that would be less easily reversed post-accession. This focus on implementation, coupled with a reinforcement of the EU's support to CSOs, seems to offer more favourable conditions for civil society empowerment than was the case in CEE, making Croatia a particularly relevant case to study. At the same time, the completed nature of the Croatian accession process allows for a more immediate comparison with the dynamics – and particularly the outcomes – exposed in the CEE countries.

The unfinished nature of the membership negotiations of candidate countries other than Croatia since the 2004/2007 enlargement round precludes selection on the outcome as a viable strategy. Case selection therefore needs to focus on variation in the initial domestic conditions, the effect of which can then be assessed throughout the

ongoing process of negotiations. The impact of new opportunities upon mobilisation strategies is expected to increase as the accession process evolves, with the formal opening of negotiations creating additional incentives and more specific reference points for domestic mobilisation. It is therefore more pertinent to choose countries that are relatively more advanced in the accession process, in order for shifts in the political opportunity structure to play out more fully.

Moreover, one of the key factors expected to shape civil society empowerment is the addition of the EU level as a new arena for domestic demands. This emergence of a new and powerful actor is expected to be relevant both for mobilisation strategies based on venue shopping and for substantial and procedural impact through indirect coercion. Finally, in line with previous considerations on the role of domestic embeddedness (Eising 2007: 171), the existing degree of domestic access for civil society actors can be expected to determine the extent to which such new opportunities are pursued.

Serbia and Montenegro fit neatly into these criteria for case selection: both have formally begun membership negotiations, with Montenegro somewhat ahead regarding the number of negotiation chapters opened. They share a comparatively active civil society that can be traced back to opposition movements to the Milošević regime during the 1990s, when both countries were still united in the Federal Republic of Yugoslavia (the separation of Serbia and Montenegro eventually took place following a Montenegrin referendum in 2006). Yet, the two countries differ crucially in the degree of access to the membership negotiations provided for civil society actors at the domestic level: while Montenegrin organisations benefit from a formal inclusion

into the government's negotiating working groups that enables them to directly access political deliberations at the domestic level, Serbian civil society actors have been expected to organise autonomously outside of established institutional channels.

Comparing processes of differential empowerment across three varying domestic contexts appears promising in order to elucidate the interactions between broad shifts in the structural environment that are similar for all three cases. In addition, it allows for an analysis of the more country-specific uptake of new opportunities and their incorporation into individual mobilisation strategies. These latter are thought to be more strongly determined by the wilful agency of civil society actors and the integration of factors located at the domestic level, and therefore likely to vary between the three cases. On the whole, whereas the within-case analysis will focus on internal shifts in mobilisation strategies and outcomes at the domestic level, the temporal sequencing of the three cases – with Croatia in the lead, Montenegrin in good standing, and Serbia aiming to catch up on the accession path – allows for a cross-case assessment of possible interactions between the cases.

Selecting a policy area

When it comes to the choice of a particular area of mobilisation, the decision was guided both by theoretical and methodological concerns. The rule of law lies at the heart of the EU accession process and, as a core component of democratic conditionality, has proven to be a particularly complex area of reform (Schimmelfennig et al. 2003; Schimmelfennig and Sedelmeier 2007; Kochenov 2008). Incorporated into the membership requirements through acquis chapter 23, which comprises judiciary and fundamental rights, it touches upon vital interests of policy-

makers and tackles core issues of sovereignty and national identity. This makes it eminently political and, unlike many of the more technical negotiation chapters, lends it a significance that goes well beyond the mere adoption of the rules contained within it.

In the case of Croatia, chapter 23 was the last one to be closed. The bi-annual monitoring mechanism put in place up to the actual accession date gave a measure of the importance awarded to its provisions by the European Commission and the member states. Indeed, the difficulties Croatia had in meeting the standards set out in this area is one of the main reasons that led the Commission to develop its ‘new approach’ (European Commission 2012a: 2), placing chapters 23 and 24 (the latter dealing with Justice, Freedom and Security) at the beginning of the subsequent negotiation processes. Through such ‘front-loading’ of the membership negotiations, the Commission seeks to leave sufficient time not only for the adoption of the requirements contained in the chapter, but also for the establishment of a credible track record of their implementation (European Commission 2011e: 5). The salience of the rule of law for the accession process thus makes the exploration of domestic dynamics and mobilisation strategies in this field particularly interesting.

In addition to political relevance, a focus on the rule of law also brings methodological advantages. Firstly, the salience of the field and the high number of organisations active in the area increase the number of observable instances. This is crucial to process-tracing, which relies on a wide breadth of data and requires the availability of extensive amounts of empirical material (Schimmelfennig 2006). Secondly, the presence of a large number of organisations active in the chosen policy area is likely

to increase within-case variance when it comes to the specific mobilisation choices. Given the particular interest of this thesis in shifting strategies, such variation can be an important starting point to explain different ways in which domestic civil society actors have taken up EU-related opportunities in their mobilisation choices. Thirdly, the rule of law is, besides environmental issues, one of the two areas in which civil society mobilisation has been most researched in the enlargement countries both during negotiations and in the post-accession phase (O'Dwyer and Schwartz 2010; Sudbery 2010; Dimitrova and Buzogany 2014), allowing for the thesis findings to be embedded in a broader geographical context.

Defining a timeframe

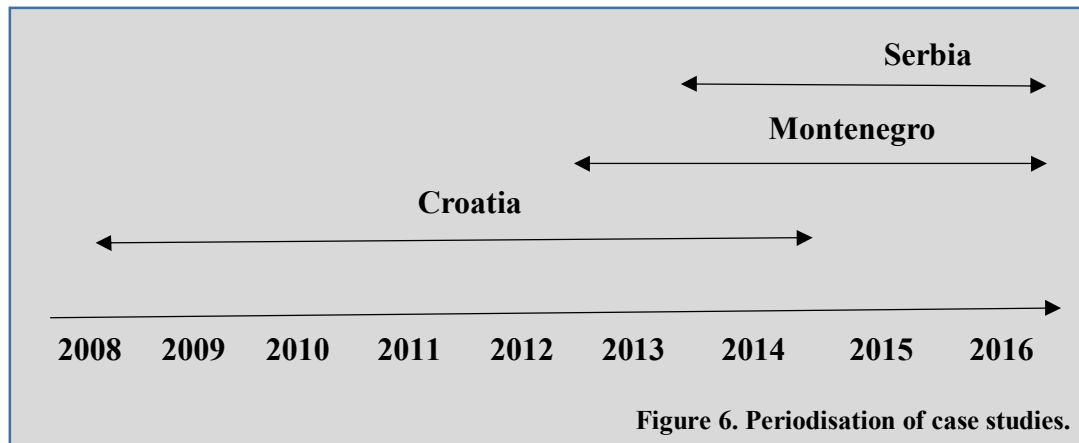
The time periods for analysis were defined in order to achieve analytically equivalent contexts (Falleti and Lynch 2009: 1154). Specifically, this means that it is not the same year bracket that was chosen for each case study, but that the periods covered correspond analytically to each other in terms of the initial conditions thought to favour a triggering of the differential empowerment process. In the case of Croatia, process-tracing begins with the near simultaneous launch of the EU's Civil Society Facility (CSF) in October 2008 and the opening by the European Commission of more systematic consultations with CSOs in candidate countries. These two events inaugurated a significant change in the political opportunity structure in which Croatian civil society actors evolved, corresponding to the first step in the hypothesised process of differential empowerment.

Whereas civil society actors in Montenegro and Serbia similarly benefited from the financial resources provided through the CSF, their relative delay when it comes to the

opening of accession negotiations justifies a later start of the close tracing of activities, given that several new opportunities were less strongly present while membership talks had not yet begun. Process-tracing in these two cases therefore begins upon the formal opening of accession negotiations, in 2012 for Montenegro and in 2013 for Serbia.

Regarding the temporal end point of the analysis, the decision was made to extend the analysis of Croatia beyond the accession date, thus allowing for an assessment of the sustainability of differential empowerment and an examination of the capacity of civil society actors to adjust their strategies to a renewed shift in the political opportunity structure. In order to have a clearly delimited timeframe, the selected time period extends up to November 2014, when a coalition of domestic civil society actors published a final report on the state of reform in the country that can be considered as an endpoint of accession-related mobilisation.

In the two other case studies, membership negotiations are still underway and the process of pre-accession differential empowerment therefore needs to be considered as ongoing. Process-tracing will therefore continue up to the latest available data at the point of writing in order to capture as fully as possible the evolving dynamics of mobilisation and their outcomes. Nonetheless, any final assessment of outcomes can only be preliminary in light of the continuous nature of the two countries' accession talks. The figure below recapitulates the chosen periodisation for each case study.



In methodological terms, while the absence of a clear outcome would be highly problematic for correlational approaches that rely on clearly specified independent and dependent variables, it is less so for the chosen mechanism-based approach: for one, the emphasis lies on exploring the impact of EU-related new opportunities upon both mobilisation strategies and their outcomes. The interest therefore consists in investigating the process of evolving strategic adaptation of civil society actors to opportunities, more than in explaining any variance in outcomes.

Second, the close study of dynamics in the Croatian case allows for the extrapolation of previous findings to the ongoing dynamics in the other two cases. Third, even the eventual accession of a country is not a definitive cut-off point either for mobilisation or for differential empowerment. Instead, it represents just another, if crucial, shift in the political opportunity structure, with EU leverage suddenly receding and civil society actors likely to need to adjust their mobilisation strategies to the new context. The growing number of studies discussing dynamics of compliance in the post-accession period (Trauner 2009; Dimitrova 2010; Sedelmeier 2012; 2014; Spendzharova and Vachudova 2012; Dimitrova and Buzogany 2014) testifies to this

continuity of processes and further reduces the importance of studying completed cycles of membership negotiations.

In sum, the empirical analysis will examine processes of civil society empowerment in the area of the rule of law in Croatia, Montenegro, and Serbia over analytically equivalent time periods. This analysis will allow for the close study of evolving mobilisation strategies across three countries that are subject to similar top-down pressures and incentives from the EU level, but show variance when it comes to the inclusion of civil society participation at the domestic level. The chosen policy area of the rule of law ensures both political relevance and a sufficient number of observable instances, while periodisation is chosen to maximise comparability. With these empirical parameters in mind, the following section addresses the methods used for data collection.

Methods of data collection

Process-tracing is an innovative method in that it enables the researcher to appreciate causality in its full complexity, while nonetheless going beyond the thick description of a specific case. This is due to the combination of deductive theorisation and inductive empirical testing of a hypothesised process. In order to be deployed effectively, process-tracing requires a deep familiarity with the case(s) under study, and thus an intensive process of data collection. The parallel use of different data collection methods serves to strengthen the validity and reliability of the collected evidence and the overall confidence with which the researcher can assert to have demonstrated the empirical presence of a particular causal mechanism or a more comprehensive causal process. Process-tracing therefore relies on maximizing the

number of independent observable implications of a theory as a crucial precondition to presenting convincing evidence on the plausibility of any one causal explanation advanced (Collier 2011). The empirical chapters of the present thesis therefore build upon extensive fieldwork in the three countries covered, with data collection comprising semi-directive interviews, participant observation, and documentary analysis.

A total of 132 semi-directive interviews were conducted with 119 individuals (some of which were interviewed more than once). Interviewees were selected via snowball sampling, starting out from a small number of contacts in each country, with each interviewee asked to name further useful contacts from all three categories in order to complement the views expressed throughout the interview. This proved to be a very successful strategy, given that the number of actors involved in the negotiations of *acquis* chapter 23 was generally rather restricted. Thus, once an initial network of contacts had been established, it was comparatively easy to convince additional interviewees to offer their thoughts and recount their experiences, enabling a comprehensive insight into the dynamics of civil society mobilisation in each of the three cases. A full overview of interviewees can be found in appendix 1.

Interviews were conducted mainly in Croatian/Montenegrin/Serbian or English (in rare cases, in French or German). In the majority of cases, interviews were not taped in order to allow interviewees to speak freely about their experiences and opinions. Extensive notes were taken during the interview, and completed immediately afterwards. Moreover, several key actors were interviewed on more than one occasion, or alternative interviewees sought from the same organisation or institution. This

served to follow up on initiatives mentioned previously or to hear repeat interviewees' views on information gathered in subsequent interviews.

Interviews offered a precious added value to this study. First, they generated information which might not have been accessible otherwise. Most crucially, they supported the interpretation of the primary and secondary sources collected prior to the fieldwork, thereby helping to assess the significance of certain events and developments. Second, they contributed to a fuller understanding of the different positions within the civil society sector and the responses to mobilisation by officials at the state and EU levels. Finally, interviews helped to shed light onto the general evolution of civil society mobilisation throughout the accession process, and to collect data on specific policy processes and outcomes within each country case that were studied more closely.

Interviews proved to be an excellent way to collect information on actors' subjective perceptions of their role and that of others involved in the accession negotiations. Yet, despite being complementary thanks to the inclusion of three different actor categories, the sole reliance upon interviews would have been insufficient to allow for a full comprehension of the dynamics of civil society mobilisation and its outcomes on the ground. This is where participant observation proved a useful complement to the direct questioning of actors. During the fieldwork periods in Serbia and Croatia, such insights were gained through formal internships with prominent CSOs. In Serbia, the author was hosted by the Belgrade Centre for Security Policy, whereas fieldwork in Croatia was facilitated through an affiliation with the Institute for Development and International Relations in Zagreb. These formal association enabled a direct access to

relevant actors and an everyday insight into the working environment that shaped their mobilisation strategies.

In addition, the author attended a total of 16 different events related to civil society participation in the EU accession process that either aimed at exchanging experiences between CSOs or sought to bring together participants from the civil society sector with state and/or EU institutions. These occasions allowed for a direct observation of the dynamics between the three different actor groups and within the civil society sector, thereby enabling a separate assessment of relations independent of actors' own assessments. Appendix 2 provides a list of the attended events.

A further limitation of semi-structured interviews consisted in the lack of factual information resulting mainly from interviewees' limited memory as to the precise unfolding of events or the technical details of specific initiatives. Here, the chosen remedy consisted in collecting a large body of written data, mainly in the form of official reports and publications, but also comprising certain internal documents that interviewees were willing to share. These written documents served as a basis to piece together the evolution of certain initiatives over time and across different groups of actors. In this sense, they were used both to prepare subsequent interviews and to follow up on information provided orally. Moreover, the use of surveys and reports conducted both by domestic and international organisations enabled a deeper understanding of the constraints CSOs faced in their operational environment, and of the general working conditions in the civil society sector in the countries studied.

It is the possibility to combine different methods of data collection that represents one of the strengths of process-tracing. Drawing on different types of evidence and a range of sources, the researcher is able to bolster the underlying assumptions of a research project, with each additional method serving to strengthen a claim and to triangulate information obtained from another source. At the same time, the comparative application of process-tracing allowed for the resulting dense narrative to be reduced to those elements thought to be crucial for mobilisation strategies and their eventual outcomes. Finally, the iteration between data collection and evaluation is useful in order to develop a comprehensive understanding both of the shifting mobilisation strategies of civil society actors and of their reception at the domestic level.

Conclusion

The research design employed in this thesis consists of a qualitative, comparative study of three separate cases of civil society mobilisation in the EU accession process. Focused on unpacking the process of differential empowerment, it centres first on a close tracing of the causal mechanisms connecting new opportunities that emerge from the context of Europeanisation to an adaptation of civil society actors' mobilisation strategies. In a second analytical step, these evolving mobilisation choices are then connected to their eventual outcomes at the domestic level.

The comparative use of process-tracing allows for a full appreciation of the impact of context and the assessment of scope conditions shaping the effectiveness of the mechanisms studied. Moreover, the temporal sequencing of the case studies enables an analysis of cross-case effects and interactions between actors from the three different empirical settings. The specific cases were chosen to be comparable in terms

of their general characteristics and their relative advancement towards EU accession with regards to other (potential) candidate countries. The remaining divergence as to the specific stage of the EU accession process the countries find themselves in was partially compensated through a differing periodisation that served to achieve analytically equivalent contexts. At the same time, the three countries vary with regards to the extent of civil society inclusion at the domestic level, considered to be a crucial determinant for mobilisation strategies and their effectiveness. In order to gather diverse evidence for the presence or absence of the hypothesised causal mechanisms, data collection was based on a combination of semi-directive interviews, participant observation, and documentary analysis.

With the theoretical framework and the methodological approach of the thesis now specified, the following chapters analyse the empirical findings. Chapter 5 provides the backdrop to the three case studies by analysing the EU accession process as a context of shifting opportunities. It engages both with the general characteristics of the membership negotiations and with the EU's more targeted support for civil society actors in accession countries. This discussion sets the stage for the in-depth analysis of the evolution of mobilisation strategies and outcomes in the area of the rule of law, which is presented through three separate case studies of Croatia, Montenegro, and Serbia (Chapters 6, 7, and 8).

Chapter 5: Shifting opportunities in the EU accession process¹

Support for civil society is key to mutual understanding and to strengthening the fabric of democracy across society. The Commission will now take additional measures to promote civil society development and dialogue using the Instrument for Pre-Accession Assistance (IPA).
(European Commission 2007b: 10)

There is a need to work even more closely with local civil society actors to anchor reforms across society. (...) A stronger role for civil society organisations and a much more supportive and enabling environment to foster their development is needed in the enlargement countries.
(European Commission 2015a: 3-4)

This thesis conceptualises the EU accession process as a shifting political opportunity structure through which previously marginalised civil society actors can strive for empowerment at the domestic level. The understanding of the EU as a structuring element for mobilisation efforts is increasingly widespread (O'Dwyer 2012; O'Brennan 2013: 30), with opportunities for access and funding underlined as two prominent forms of support provided by EU-level actors (Sanchez Salgado and Woll 2007: 162-167). In light of the interactional perspective adopted in this thesis, it is useful to study the political opportunity structure as a distinct analytical stage. Such an approach allows for an acknowledgement of the specificities of mobilisation in a multi-level context, and clarifies the initial constraints under which domestic actors seek to position themselves.

¹ Parts of this chapter are derived from a policy study titled "Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process" published with the German Council on Foreign Relations (DGAP), *DGAPanalyse* no. 2, in February 2015, available online <https://dgap.org/en/think-tank/publications/dgapanalysis/right-goals-wrong-tools>.

In this sense, this chapter serves to add empirical flesh to the notion of shifting opportunities related to the EU accession process. It spells out how the broader dynamics of Europeanisation and the changes brought about by EU membership negotiations have provided new opportunities to civil society actors regarding repertoire, venue choice, and the framing of their demands. In doing so, the chapter provides the backdrop for the in-depth investigation of strategies and outcomes of civil society mobilisation that follows in the subsequent case study chapters.

Inclusive policy-making has become a growing concern in the EU since the early 2000s, both internally (European Commission 2001) and in its relations with third countries (European Commission 2011b; 2012b). The desire to extend the circle of actors involved in domestic adaptation in the enlargement context builds on lessons learned from the enlargement rounds of 2004 and 2007. In a context of weak democracy and limited administrative capacities, the European Commission has embraced the close association of CSOs in domestic reform processes to improve both the quality and the implementation of adopted changes (European Commission 2007b; 2013). Membership negotiations with the CEE countries largely concentrated on interactions with state-level executive elites (Grabbe 2001; Lippert et al. 2001), whereas support to civil society actors played a more marginal role (Raik 2006: 319; Kutter and Trappmann 2010).

Despite being hailed as an historic reunification of Europe, the performance of the new CEE member states has been marred by problems regarding the effective implementation of adopted reforms and an increasing number of instances of outright democratic backsliding below the standards of democracy achieved throughout the

accession process (Dimitrova 2010; Sedelmeier 2014; Closa and Kochenov 2016). A close involvement of broader societal forces in the accession talks was therefore thought to enhance the transparency of decision-making and to strengthen both the legitimacy and the likelihood of sustainable implementation of the legal and institutional changes adopted during membership negotiations.

As a result, support to civil society has become the cornerstone of a more comprehensive approach to enlargement policy. Already the first annual report of the Stabilisation and Association Process (SAP), the political framework for the enlargement process with the Western Balkans, underlines that

an active civil society – especially of non-government organisations [sic] (...) [is] crucial in making government and civil service both transparent and accountable to the citizen. (European Commission 2002b: 10).

The importance of civil society development was reiterated prior to the opening of membership negotiations with Croatia (European Commission 2005). The enlargement strategy 2007/08 underlines the need “to strengthen civil society bodies and their role in the political process” (European Commission 2007b: 14), making civil society development a key priority for EU accession and elevating improvements in this area to a political criterion for membership (ibid.: 4). As the epithet demonstrates, the European Commission has maintained and reinforced this commitment to civil society empowerment throughout its engagement with the Western Balkans. This recognition and the targeted support provided to civil society actors in the Western Balkans region in principle increases the potential for effective results at the domestic level.

The following discussion details the shifting opportunities brought about by the EU accession process in the Western Balkans. In line with the theoretical emphasis on usages as a crucial connector between external opportunities and their impact on the ground, it specifies how the EU membership negotiations are likely to affect mobilisation strategies, and emphasises the role of actors in shaping the conditions under which they function (see Gamson and Meyer 1996: 282–283). The first section tackles the general features of the EU accession process, discussing how they favour or constrain the mobilisation of civil society actors on the ground. The second section addresses the EU's evolving support for civil society actors in enlargement countries as a targeted effort to strengthen their role and influence in the process of domestic adaptation to EU membership.

EU accession as a window of opportunity for civil society empowerment

If Europeanisation in general opens new opportunities for domestic actors (Marks and McAdam 1996; Imig and Tarrow 2000; Princen and Kerremans 2008), the EU accession process provides a particularly notable shift in resource distribution and the institutional environment in which policy-making takes place. The engagement of a country in EU membership negotiations places new items on the agenda, opens new channels for communication and imposes new requirements upon domestic actors and processes (see Jelinčić and Đurović 2011: 28-29 and 49). It is these broader shifts in the policy-making environment that this section tackles.

It begins by outlining the structural opportunities and obstacles for mobilisation brought about by the accession talks as a new guiding framework for domestic reforms. The next section addresses the specific situation regarding the rule of law, discussing

how negotiating chapter 23 provides a roadmap for democratic transformation that civil society actors can use as a reference both to frame their demands and to expand their mobilisation repertoire towards monitoring activities. The final section elaborates on the introduction of explicit EU-level consultations with civil society actors that bolster their credibility vis-à-vis domestic policy-makers and open the possibility for organisations to upload their demands into the EU's membership conditionality.

Opportunities and obstacles for mobilisation in the accession process

As the divergence between European standards and the initial situation in candidate countries has grown, the accession process has become increasingly sophisticated. Following the initiation of accession talks with a number of CEE countries, the June 1993 European Council meeting adopted the Copenhagen criteria for membership. These comprise a number of political conditions as well as the need for a functioning market economy and sufficient administrative capacities to ensure legislative alignment with the EU's acquis. The April 1997 European Council meeting enlarged the Copenhagen conditionality by adding more detailed requirements regarding democratic reforms. Targeting the Western Balkan countries, it introduced requirements regarding minority rights, refugee return and regional cooperation (see Töglhofer and Wunsch 2010: 4). The individual Stabilisation and Association Agreements (SAAs) negotiated with each of the Western Balkan countries contain further country-specific obligations, including the need to cooperate with the International Criminal Tribunal for former Yugoslavia (ICTY) (Pridham 2008).

In addition to expanding substantial requirements, the sophistication of the accession process has found expression in procedural terms: the accession requirements have

been spread over 35 separate negotiation chapters that contain detailed provisions regarding all policy sectors in which the EU is involved. Progress in each of the areas is assessed throughout the year by EU officials in the Directorate General (DG) for Enlargement and desk officers working in the EU's Delegations in candidate countries, leading up to the publication of annual progress reports that point to improvements and remaining shortcomings for each (potential) candidate country. These progress reports, first introduced for the Western Balkans in 2005, are published as an annex to the Commission's annual strategic outlook. Since 2012, the title of this document has become "Enlargement Strategy and Main Challenges," highlighting persistent systemic difficulties that remain among the current accession candidates (European Commission 2012a).

In addition to a regular monitoring of progress, the emphasis on implementation over mere legal adaptation has led to the introduction of a strict benchmarking system that structures the accession process once membership talks have officially been opened (interview with DG Enlargement, April 2014). In a first set of explanatory screenings, the Commission clarifies the accession requirements in each negotiating chapter, with candidate countries responding during a series of bilateral screenings that clarify the state of play in each domain. Following the bilateral screening, the Commission can request an Action Plan to be submitted for specific chapters that sets out in detail the commitments a candidate state government is willing to undertake throughout the duration of the membership negotiations (interview with DG Enlargement, November 2013). The Action Plan then serves as the opening benchmark for the chapter, with the concluding benchmark becoming the fulfilment of all obligations contained therein.

The gradual systematisation of the accession process and its reliance upon explicit conditions for membership make it a useful tool for civil society mobilisation. In substantial terms, the significant degree of natural overlap between the political criteria for accession and the human rights and democratisation agenda pursued by a large portion of CSOs in candidate countries makes membership conditionality an important external reference point for their demands. Local civil society actors are therefore generally able to frame their requests in terms related to EU accession without necessarily compromising their own agenda (interview with Documenta, April 2014; Human Rights Action (HRA), October 2014). Moreover, once membership negotiations have been opened and where benchmarks are public, they can serve as a yardstick for monitoring activities by civil society actors, allowing them to hold government actors accountable for commitments made vis-à-vis the EU institutions and member states.

The structural set-up of the accession process, both regarding the Commission's commitment to inclusiveness and the existence of precise standards against which reform progress can be measured, would seem to favour a strengthening of civil society actors as local experts and watchdogs. However, certain features of the membership negotiations also tend to preclude or at least complicate the effective involvement of civil society actors. First of all, despite the drawn-out nature of accession talks that extends the time window during which organisations can attempt to shape adaptational outcomes, the negotiations still tend to be characterised by a "hurry-up atmosphere" that "narrow[s] the space for meaningful participation of non-state actors in the process of policy formulation" (Vidačak 2011: 7). As a consequence, the use of the urgent procedure in national parliaments is widespread, precluding the holding of effective

consultations (Škrabalo 2012: 9). In Croatia for instance, 86 per cent of laws related to EU accession were passed through the urgent procedure (interview with Croatian NGO Office, April 2014), with similar proportions in Serbia (interview with Serbian Member of Parliament (MP), December 2013).

Second, and despite commitments to the contrary, the lack of transparency of negotiations poses a significant obstacle to the empowerment of civil society actors. The European Commission itself has often insisted that documents related to the membership talks be kept secret given their unfinished nature (interview with DG Enlargement, November 2015). This results in local organisations being cut off from access to an important source of information on which to base their monitoring and advocacy efforts (Marović and Muk 2015). In Croatia, the benchmarks were not public (Škrabalo 2012), with CSOs having to rely on documents being leaked to them by EU-level actors (interview with international donor, May 2014). The structural set-up of the accession process therefore provides both opportunities and obstacles for mobilisation, with civil society actors required to navigate changing circumstances and to adapt their strategies to the availability of information and access.

Chapter 23 as a roadmap for transformation

Negotiation chapter 23 is concerned with judiciary and fundamental rights and represents a formalised summary of the rule of law standards that candidate countries are expected to implement prior to EU accession. Jointly with chapter 24 that covers justice, freedom and security, it was introduced in 2005 in the Commission's negotiating framework for the opening of membership talks with Croatia and Turkey (interview with DG Enlargement, April 2014). In fact, the Copenhagen criteria became

primary law only through their incorporation into the Amsterdam Treaty. Article 2 of the treaty contains a detailed statement on the fundamental values uniting the EU member states. Its ratification therefore opened the possibility of including a full negotiation chapter on the rule of law in future accession rounds, whereas in the case of the CEE countries, the Commission had been limited to a political monitoring of the Copenhagen criteria (interview with DG Enlargement, May 2015).

The introduction of the ‘new approach’ in 2011 (European Commission 2011e) further increased the relevance of these two chapters, since progress in the rule of law area was to determine the overall speed of the negotiations (Nozar 2012). A so-called ‘imbalance clause’ allows for the suspension of the overall negotiations should insufficient advancements be observed in chapters 23 or 24 (interview with DG Enlargement, April 2015). In the Commission’s view, the increased visibility and political importance of rule of law reforms makes progress in this field “the make or break issue for this round of enlargement” (interview with DG Enlargement, November 2013).

Recognising that an early opening of chapters 23 and 24 would extend the time period during which rule of law reforms are the centre of attention, civil society actors in enlargement countries actively advocated for such a frontloading of the accession process (interview with Fund for and Open Society Serbia (FOSS), October 2013). Besides, the broad and politically sensitive nature of the rule of law makes it difficult to develop reliable indicators for improvements in this field. This further enhances the potential for CSOs to provide useful insights from the ground in an area where their competence is recognised to be particularly well-developed (interview with EU

Delegation, October 2013). In addition to certain of the general features of the accession process, the strong political emphasis on chapter 23 throughout the negotiations thus creates a rather propitious environment for civil society activism related to the rule of law.

EU-level consultations: an opportunity for uploading domestic demands

Where the structural set-up of the accession process provides a generally favourable overall climate for civil society mobilisation, the introduction of EU-level consultations presents a distinct opportunity for civil society actors to become directly engaged with EU officials. Previous accession rounds were characterised by an almost exclusive dominance of the EU-state dyad throughout the negotiation process. This often resulted in a one-sided picture of government compliance as painted by executive actors themselves, with few means for EU officials to control the extent to which adopted legislation was effectively implemented on the ground. In an effort to draw on new sources of information for its regular assessments of the situation in the Western Balkan candidate countries, the European Commission gradually formalised a consultation cycle with local civil society actors. The resulting emergence of the 'Brussels route' (Jelinčić and Đurović 2011: 50) has provided a new venue for CSO demands and encouraged the addition of monitoring activities to their repertoire.

EU-level consultations with civil society organisations from the region began tentatively already back in 2006, when the Commission began to seek input on planning priorities for the aids distributed through the Instrument for Pre-accession (IPA) from organisations on the ground (Jelinčić and Đurović 2011: 52-53). As of 2009, consultations also concerned substantial issues included in the annual progress

reports (ibid.). Originally launched in Brussels, the consultation process has become increasingly formalised over the years and has been moved down from the DG Enlargement to comprise also the EU Delegation level (interview with DG Enlargement, November 2015). Input from civil society actors on reform progress is now sought at different moments throughout the year along a clearly established schedule.

Around April, open calls for comments are published on the EU Delegations' websites (interview with Belgrade Open School (BOŠ), May 2015) in view of the compilation of the first drafts of the progress reports formulated by desk officers in the respective countries. Once this first draft has been transferred to Brussels, a limited number of civil society actors – typically a single organisation per country and topic set by the Commission (interview with Open Society Foundations (OSF) Brussels, March 2014) – are invited to the EU capital in June. Over several days, DG Enlargement holds meetings that give mostly big international NGOs the opportunity to express their views on a range of topics related to the political criteria for membership.²

Thanks to the active advocacy by the OSF, both through their Brussels Office and their local branches in the region, these direct consultations with DG enlargement staff have been opened to local organisations from candidate countries (interview with OSF Zagreb, April 2014; FOSS, October 2013; Documenta, May 2014). This direct involvement of the OSF in forging a space for civil society actors from candidate countries confirms the enabling role of transnational actors already suggested by previous studies (Langbein 2010; Parau 2010).

² The author has seen the agendas of the DG enlargement civil society consultations for the years 2009 to 2013. However, given the internal nature of the documents, no exact information can be quoted.

Over the summer, the progress reports are revised, including some diplomatic tug-of-war with member states seeking to influence the final assessments (interview with EU Delegation, May 2014). The cut-off day for reporting is 30 September and the publication of the final reports generally takes place in mid-October of each year (interview with EU Delegation, November 2013). Reflecting the political revisions of the initial drafts, the final reports tend to be more positive than the assessments provided by CSOs (interview with Centre for Democracy and Human Rights (Cedem), October 2014; EU Delegation, May 2014). Increasingly, local organisations are able to share their impressions of the final progress report during debriefing sessions organised by the respective EU Delegations with those civil society actors who provided written or substantial oral input throughout the process (interview with EU Delegation, October 2013).

During the formal consultation cycle, an emphasis is placed on assessments being evidence-based and preferably articulated in a language close to the Commission's own formulations (interview with OSF Brussels, March 2014). In recent years, the Commission introduced a pre-established table circulated to local organisations in order to request their input on specific issues (interview with *Budi aktivna. Budi emansipiran.* (B.a.B.e.); Centre for Peace Studies (CMS), both March 2014). Organisations throughout the region have been quick to pick up on the added leverage EU support affords them and participate actively in both formal and informal consultations.

At the same time, interactions with EU-level actors have required organisations to adapt their approach and to invest more time and resources into developing expertise

and providing reliable data to substantiate their input (interview with FOSS, October 2013). The ensuing professionalisation of civil society actors across the region is therefore not merely the result of an increased availability of funding, but rather a strategic adaptation by civil society actors seeking to ensure that their input corresponds to the needs of EU-level actors and thus stands a chance of being incorporated into the conditions the EU sets out for their country's membership.

Whereas EU-level consultations offer a crucial opportunity for CSOs to seek the Commission's backing for their claims, it is important to point to the political nature of the progress reports. Since they are published as an annex to the overall enlargement strategy for the region, their content is required to reflect the political line adopted in this document (interview with EU Delegation, November 2013). Initially more critical reports drafted by the Delegations are thus frequently rendered more balanced by Commission officials in Brussels (interview with EU Delegation, May 2014). Given the Commission's attempts to counter the prevailing 'enlargement fatigue' among member states, the final reports have also tended to be more upbeat and to point to success stories in the Western Balkans region in order to maintain the momentum for ongoing EU enlargement (interview with EU Delegation, April 2014).

This situation has changed somewhat following Commission President Juncker's announcement of an effective break to enlargement during his Commission's mandate (European Commission 2014a), with the latest progress reports for instance more neutrally titled 'country reports' to reflect the lack of progress in several candidate countries. Still, an attempt to highlight positive developments in addition to outstanding shortcomings was clearly prevalent up to the 2014 progress reports.

On the whole, the formalisation of consultations affords civil society actors an important alternative arena for their demands, opening the possibility for venue shopping and turning EU officials into receptive targets for monitoring activities. Still, the openness on the EU side is related more closely to the DG's and Delegations' need for additional sources of information than to its rhetorical commitment to inclusive policy-making. Indeed, with a single desk officer in Brussels in charge of covering chapters 23 and 24 for one to three candidate countries at a time, human resources are limited, making local knowledge a valuable 'access good' (Bouwen 2004) and a means to reduce information asymmetries regarding the effective state of play on the ground (see Langbein 2010: 110).

The understaffing of the Commission has been recognised in other policy areas as an important reason for interest groups to target its officials (Fairbrass and Jordan 2002: 152). Yet, while these have greatly benefited from first-hand accounts of persistent shortcomings on the ground when drawing up their own reform assessments (O'Brennan 2013), the restriction of the formalised consultation cycle to the elaboration of the annual progress report limits the space for civil society actors to introduce their own concerns. The instrumental character of the EU's interactions with civil society actors in candidate countries therefore reduces their effectiveness when it comes to fostering more comprehensive and sustainable empowerment at the domestic level (see Wunsch 2015b).

Intermediary conclusion

The EU accession process for countries from the Western Balkans boasts a variety of characteristics that encourage civil society mobilisation at a general level. In contrast

to the CEE experience, civil society empowerment has become a key pillar of the EU's enlargement strategy towards the current candidates. The increasing sophistication of the membership negotiations both in substantial and procedural terms offer a range of possibilities for civil society actors to draw upon EU leverage and feed their positions into the ongoing talks. Moreover, the strong political emphasis on chapter 23 favours mobilisation concerning the rule of law, particularly since the introduction of the Commission's 'new approach.' Despite their instrumental character, EU-level consultations create openings for venue shopping and the uploading of local demands into established membership conditionality. On the whole, The set-up of the EU membership negotiations thus brings considerable changes to the political opportunity structure in which civil society actors in candidate countries operate, offering a distinct potential for civil society empowerment. With these general characteristics in mind, the following section analyses more in-depth how the EU has sought to foster civil society empowerment explicitly through a variety of instruments.

Deepening domestic reforms: the EU's evolving support for civil society

The EU's policy of civil society support in the accession process has undergone significant refinement since its inception. This section surveys how the Commission has extended its approach from an initial focus on financial and technical support towards a gradually more political involvement in fostering a conducive legal and institutional framework for participatory policy-making in accession candidates. Furthermore, it shows how civil society support has been streamlined within the enlargement policy, providing a comprehensive and politically ambitious support to civil society actors in the Western Balkans that contrasts markedly with the more marginal inclusion of civil society during the CEE accession round. In line with the

periodisation adopted for the country case studies, the timeframe analysed spans from the introduction of a more explicit policy of civil society support in 2008 to the most recent developments.

Capacity-building and technical support

Only several years into the negotiations with Croatia, the EU adopted a more explicit policy of civil society support towards the Western Balkans and Turkey. This decision reflected the early experience with implementation difficulties that became visible during the first years of CEE membership in the EU. Support for civil society, particularly CSOs and independent media, already constituted one of the four priority sectors of funding in the area of democratic stabilisation under the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme that ran from 2000-2006. However, the European Commission significantly upgraded its financial support to civil society organisations in the enlargement region through the introduction of the CSF explicitly dedicated to civil society.

Launched under the IPA framework at a major summit with civil society actors from the region held in Brussels in April 2008³, the CSF tripled the resources made available to CSOs in comparison to the previous period (European Commission 2007b: 11-12). A total of €136.6 million were planned for the CSF for the entire Western Balkans region over the period of 2007-2013 (Balkan Civil Society Development Network 2015). Moreover, direct grant-making was flanked by capacity-building efforts conducted through the newly established Technical Assistance for Civil Society Organisations (TACSO) that is implemented via an external service contract through

³ The author attended this event in her capacity as a Seminar Assistant for the Friedrich Ebert Foundation's EU Office.

a consortium led by the Swedish Institute for Public Administration (SIPU). TACSO offices based in capitals around the region continue to offer trainings and advice to local organisations and use their feedback to provide input into ongoing refinements of civil society support at the EU level.

Several authors have pointed out that one visible impact of the EU's targeted support has been the gradual professionalisation of the civil society sector throughout the region (Fagan 2010b: 205; O'Brennan 2013: 41). A large number of organisations have begun to work on accession-related issues and to design projects that correspond to the key priorities identified by the EU for each candidate country. While this serves the Commission's purpose of fostering civil society expertise in areas where it requires local input for its ongoing evaluation of reform progress, it has also had two less appreciable consequences.

First of all, in light of the increasing withdrawal of international and bilateral donors from the Western Balkans region, EU grants have become one of the major funding sources for local CSOs. This has led to a streamlining of organisations and a strategic orientation that is a reflection of the EU's agenda rather than of domestic needs (see Vesna Bojčić-Dželilović et al. 2013). Organisations often adapt their activities to the current priorities set by the EU, leading to sudden shifts in focus or to an overly broad scope of actions, both of which reduce the depth of expertise that CSOs can bring to the table. Moreover, the multiplication of organisations sharing a similar focus and approach within each country frequently leads to energy lost in competition over funding and political attention, rather than invested into the provision of constructive input for the reform process.

Second, the double function of the EU as the key donor and major reference point to back up CSOs' policy recommendations affects the positioning of these organisations within society. Contrary to the participatory democracy model that sees CSOs as a link between a complex policy-making process and the average citizen, they are becoming increasingly alienated from their original constituencies (Adam 2008: 310; Ker-Lindsay 2013). Not only does the bureaucratic application procedure for EU-funded projects absorb a significant amount of human resources, but this situation is accentuated by the fact that the bulk of EU financial support is project-based, with the average duration too short to achieve meaningful results (interview with Civic Initiatives (CI), October 2013).

As a result, CSO staff is required to juggle multiple projects simultaneously in order to ensure their organisation's survival, with time-consuming fundraising activities leaving little space for engagement with the broader population. In the words of the former executive director of a Serbian organisation, "I spend 50 per cent of my time running after money" (interview with Belgrade Fund for Political Excellence (BFPE), November 2013). Similar sentiments are echoed at regional meetings bringing together civil society representatives from across the Western Balkans. The initial hope that civil society actors could both inform citizens about progress in the accession process and feed their concerns into the policy-making process have therefore been largely disappointed. Instead, those organisations active at the policy level are often perceived as a sort of parallel elite disconnected from the general population (Vidačak 2011: 6-7; O'Brennan 2013: 42), which has raised concerns regarding their legitimacy to speak on the behalf of citizens (Fagan 2010a; interview with EU Delegation, October 2014).

Besides certain perverse effects of EU funding, the objective need for additional technical support and capacity-building through the TACSO structure has been questioned. The second phase of the TACSO project, launched in September 2013, foresees the transfer of competences to regional resources centres (interview with TACSO Serbia, November 2013), thus alleviating the problem. However, such umbrella organisations devoted to the broader goals of civil society development and the strengthening of grassroots organisations already existed prior to the arrival of TACSO in August 2009 in several countries of the region, calling into question the added value of EU technical support (interview with TACSO Croatia, May 2014; TACSO Montenegro, October 2014).

In Montenegro for instance, the Centre for the Development of Non-Governmental Organisations (CRNVO) was already founded in 1999, with its mission to improve the situation of NGOs in Montenegro and to pave the way towards greater democratisation of the state and society in general (see CRNVO website, www.crnvo.me). Ironically, it is precisely the former Director of CRNVO who was chosen to head the TACSO office in Podgorica. Both organisations are now located in the same building and share both the entrance to their premises and their secretary. Unsurprisingly, CRNVO has been chosen as the resource centre that will eventually take over the TACSO mission, making the TACSO presence appear as a somewhat unnecessary intermission.

In contrast to official mission that sees its role in providing capacity-building for local civil society actors, TACSO instead appears to have been created mainly as an intermediary agency able to ‘pre-structure’ the civil society sector in candidate countries and to facilitate the Commission’s interactions with local organisations.

Interestingly, criticism has repeatedly been voiced regarding the Commission's push for civil society to speak with a 'single voice,' seen as a request inherently contrary to the nature of societal mobilisation (interview with FOSS, October 2013; Center for Euro-Atlantic Studies (CEAS); Croatian academic, both November 2014). Moreover, the costly superstructure of TACSO, people-to-people programmes and funding for regional networks de facto leaves only a comparatively small amount of money left for national grant schemes that provide funds directly for projects conducted by local organisations (interview with European Movement in Serbia (EMinS), October 2013).

In light of the discontent expressed by organisations in the region, two important shifts have recently been introduced regarding the material support provided by the EU: in quantitative terms, the head of the Serbian EU Delegation announced an expected increase of the IPA proportion allocated to civil society from 2 per cent to 3.5 per cent (Michael Davenport, Head of EU Delegation, at Civil Society Congress, 25 February 2016). Given the fledgling emergence of public funding sources for civil society initiatives that prevails in the region, the provision of additional external resources has been welcomed by local organisations.

At a more qualitative level, operational grants have progressively been tendered to complement the prevailing grant schemes focused on short-term project implementation. Under the new scheme, organisations can apply for institutional support for a duration of two plus two years, thus extending their planning horizon and enhancing their ability to pursue a more consistent thematic agenda (interview with DG Enlargement, March 2014). Up to €500.000 over four years are available for Framework Partnership Agreements (FPAs) that bring together organisations from

several countries in the region. In the words of a Montenegrin civil society expert, this change allows organisations to “finally implement their own strategies, not EU strategies or government strategies” (interview with civil society activist, October 2014).

Overall, the EU’s financial and technical support for civil society has provided an impetus for professionalisation and has enhanced the EU orientation of the sector. At the same time, the focus on capacity-building has been criticised as overly accession-driven rather than geared towards the demands formulated on the ground (Fagan 2006; 2010a; O’Brennan 2013). The result is the consolidation of a small number of already well-established organisations able to flank the membership negotiations, rather than a more long-term and sustainable strengthening of a civil society sector that can feed constructively into the general policy-making process at the national level. In addition to material aid in the form of resources and technical advice, political support from the EU level has therefore centred on improving the structural conditions for mobilisation of a broader range of civil society actors, as the following section shows.

Creating an ‘enabling environment’

In addition to direct technical and financial support to CSOs in the region, the creation of an ‘enabling environment’ for their work is the second pillar of the Commission’s efforts to enhance civil society involvement. The term refers to the existence of supporting institutions for civil society actors and formal provisions for consultations at the national level as a logical counterpart to strengthening of their internal capacities. An initial expression of the intention to tackle the formal interactions between the state and civil society can be found in the 2010/11 enlargement strategy. It emphasises the

importance of domestic access points and calls for “public consultation on policy initiatives and draft laws [to] become the general principle” (European Commission 2010b: 11). Civil society development and, most crucially, the dialogue between civil society actors and governments are thus recognised as a horizontal policy measure worthy of separate evaluation in the annual progress reports.

The inclusion of this issue in the EU’s regular evaluations has sent an important signal to governments that the Commission is interested in seeing improvements in the legal and institutional framework under which civil society actors operate. In this sense, it provides a useful reference point for the framing of civil society actors’ demands for procedural empowerment. While the Commission leaves it up to candidate countries to develop an appropriate model for formalised interactions with CSOs, an EU Delegation official emphasised that “we insist that there has to be continuous cooperation, because if cooperation is only formal, the frustration grows” (interview with EU Delegation, April 2014).

One expression of advancements in this area has been the introduction, across the region, of government offices dedicated to cooperation with civil society actors that have worked on improving their formal involvement in domestic policy-making processes. These offices correspond to the ‘facilitating formal institutions’ recognised as an important mediating factor in fostering differential empowerment (Börzel 2006: 104), and thus suggest a degree of institutionalisation in state-civil society relations. From an opposite perspective, the need for institutional intermediaries to facilitate the interactions between civil society actors and policy-makers can be taken to confirm the underdeveloped nature of such exchanges in the Western Balkans region (interview

with EU Delegation, April 2014). In view of improving the political climate in which these interactions take place, the third dimension of the Commission's civil society support has aimed at streamlining its approach and emphasizing effective changes in relations between state officials and CSOs.

Streamlining civil society support: political culture as third pillar

The Commission's targeted support for civil society in the enlargement process emerged gradually over the past decade, with frequent adjustments often in response to demands formulated by organisations working in the region (interview with DG Enlargement, March 2014; EU Delegation, October 2014). In an effort to consolidate its approach, the European Commission adopted a set of guidelines that were widely consulted with civil society actors in a series of regional conferences⁴ and that underline the role of civil society as "a crucial component for any democracy" (European Commission 2013: 1). Besides insisting on the two well-established dimensions of strengthening internal CSO capacities and creating a 'conducive environment' (a renaming of the initial 'enabling environment'), the guidelines add "changing relations [between] CSOs and governments" as a third objective of civil society support in the enlargement context (ibid.: 7). Confirming the Commission's intention to make progress in the area of civil society more measurable in the future, the guidelines contain a monitoring matrix in the annex of the document that spells out concrete indicators of advancement for each objective. This move underlines the growing importance of civil society development as a formal criterion for accession.

⁴ The author attended two of these events, in September 2012 and in April 2013. See appendix 2 for details.

Besides the political significance of explicit guidelines and indicators for civil society development, the process of their elaboration is noteworthy in and of itself. Thus, the monitoring matrix draws heavily on a similar matrix developed by the Balkan Civil Society Development Network (BCSDN) (interview with DG Enlargement, November 2013; TACSO Montenegro, October 2014). BCSDN is a consortium of various Western Balkans CSOs that is funded through one of the Commission's FPAs and monitors civil society development throughout the region. Whereas the local organisations had initially developed the monitoring matrix as part of a bottom-up effort to monitor improvements in CSOs' enabling environment, their partial incorporation into the Commission's document, which adds civil society capacities as a further element, is indicative of the feedback effects through which civil society actors are able to shape the political opportunity structure.

However, the follow-up to the guidelines has fallen short of the expectations of local civil society actors to see more decisive political support for their activities. First of all, the guidelines have remained a technical document that is non-binding upon regional governments and therefore serves more as a programming tool for IPA funding than as a policy yardstick. Second, the parallel elaboration of the Commission's reports and the more extensive monitoring conducted by the BCSDN members has led to some duplication of efforts that causes frustration among civil society actors, who feel that their work is being undermined. Finally, the elaboration of indicators for the Commission guidelines was outsourced to an external agency that privileged quantitative measures with no clear international standard as a baseline. In contrast, local organisations consider the lack of data and the inherent nature of the topic to lend itself more readily to qualitative assessments and are thus highly sceptical

of the Commission's approach (interview with BCSDN, May 2016). On the whole, the guidelines have therefore failed to constitute a significant upgrade in the Commission's political support for civil society empowerment.

Nonetheless, the two most recent enlargement packages demonstrate the Commission's desire to streamline civil society support as an overarching goal of the accession process. In 2014, the Commission introduced a unified approach to civil society across all accession countries. Each country progress report contained the sentence "An empowered civil society is a crucial component of any democratic system and should be recognised and treated as such by the state institutions" (for Montenegro, European Commission 2014b: 10; for Serbia, European Commission 2014c: 17). This statement acknowledges the democratising potential of civil society inclusion into policy-making processes, and establishes the need for a more proactive approach by state institutions as a criterion for future assessments of candidate countries' performance. The 2015 reports repeat the sentence from 2014 and include a full section, as opposed to the previous discussion in a few sentences, evaluating progress made on the strengthening of civil society involvement at the national level.

Intermediary conclusion

The Commission's support for civil society has experienced a significant upgrade over the past decade, moving from more piecemeal references towards an approach that is both strategic and comprehensive. Besides an important upgrade of the financial support available to local CSOs, there has been growing political support for improved access and consultations at the domestic level. Most recently, there has been an effort

to formalise and streamline civil society as a horizontal priority for the accession process.

Despite certain weaknesses that result from perverse effects related to EU funding and an insufficient needs assessment when it comes to technical support, the enhanced political commitment to civil society inclusion as a criterion for EU membership affords civil society actors in candidate countries a valuable reference point when it comes to demands for formal access to domestic policy-making processes. On the whole, the EU's evolving civil society support has therefore significantly improved the overall environment in ways that favour both the mobilisation and the empowerment of civil society actors on the ground.

Conclusions

The process of EU accession has brought considerable changes to the political opportunity structure under which civil society actors in candidate countries operate. It has introduced new opportunities for mobilisation and venue shopping, and has strengthened their resource base and their capacity to frame their demands effectively and to draw on EU leverage when interacting with domestic policy-makers (see also Jelinčić and Đurović 2011: 49). There has been a progressive adaptation of the enlargement policy that has seen an intensification of the substantial conditions for membership. Moreover, there has been a procedural sophistication that disaggregates the overall negotiation process into distinct stages, facilitating the involvement and substantial contribution of local CSOs. Most fundamentally, the Commission has placed growing emphasis on the importance of civil society actors both in terms of their direct involvement in the process of EU accession and more broadly in domestic

policy-making. This chapter has suggested the presence of professionalisation, institutionalisation and feedback effects that have jointly produced significant improvements when it comes to the structural environment in which civil society mobilisation occurs.

The following three chapters investigate how these more general changes in the structural environment have affected mobilisation strategies and their outcomes in different empirical contexts. Each case study is organised along three dimensions. First of all, it examines the country-specific political opportunity structure, including an analysis of financial and political support for civil society actors coming from the EU, the domestic institutional and legal framework regarding inclusion, and the structural set-up of the accession process, with a special focus on chapter 23. Second, it analyses evolving mobilisation strategies, with a particular emphasis on shifts in venue choice and repertoire and the influence of transnational learning on domestic mobilisation choices. Third, the pathways from mobilisation to outcomes at the domestic level are investigated in order to understand the strategic calculations underlying CSOs' approaches and to assess the relative level of procedural and substantial empowerment they have been able to achieve.

Chapter 6: Croatia⁵

“We used the EU as a leverage to push our government to make better laws and move in the right direction.”

Croatian activist, 6 May 2014

“Croatian civil society is basically dead. They were swallowed by the accession process.”

Representative of an international donor organisation, 7 October 2013

Croatia is the first country from the Western Balkans region to have successfully completed the EU accession process, becoming the Union’s 28th member state on 1 July 2013. In several senses, it represents a bridge between the big bang CEE enlargement round of 2004 and the more complex, drawn-out and uncertain membership negotiations ongoing with several other countries from the Western Balkans region. Following the mitigated performance of Bulgaria and Romania in the years following their EU accession in 2007, conditionality was stepped up for Croatia and a strong emphasis placed on the implementation of legal changes adopted in compliance with the EU’s *acquis*. Yet, Croatia itself then served as a reference to justify a further tightening of the enlargement process, with the Commission’s ‘new approach’ as well as more elaborate benchmarking introduced in light of the country’s difficulties to finalise rule of law reforms in the short space of time during which chapter 23 was formally negotiated.

⁵ This chapter is derived in part from an article titled “Coming full circle? Differential empowerment in Croatia’s EU accession process” that is forthcoming in print in the *Journal of European Public Policy*, available online <http://www.tandfonline.com/10.1080/13501763.2016.1186207>.

Similarly, there was already a greater emphasis on the importance of civil society inclusion during the Croatian negotiations, but in particular the EU's political support to inclusive policy-making was enhanced and formalised once membership talks with Zagreb had been concluded. This state of play makes the mobilisation of civil society actors in Croatia a particularly interesting case to study, both in comparison to the limited findings of empowerment in the CEE region, and regarding the lessons that the observed outcomes hold for civil society actors in those countries that are still negotiating their accession. The main finding of this chapter is that of a tangible empowerment of Croatian civil society actors during the final stages of the accession negotiations, which however remained tightly circumscribed due to late mobilisation and an overreliance upon EU leverage.

The chapter begins by outlining the structural environment for Croatian civil society mobilisation. It highlights the effects of the EU's financial support in gearing organisations towards engagement with rule of law issues and the conduct of monitoring activities. Moreover, it underlines the contrast between rather advanced consultation procedures for the general legal initiatives and the limited access for Croatian organisations to the accession negotiations, particularly regarding chapter 23. It then traces the evolution of mobilisation choices from initial apathy and a lack of awareness for EU-related opportunities to the emergence of a strategically oriented collective mobilisation format that united large parts of the civil society sector and has provided an innovative blueprint for civil society mobilisation across the region. The final section analyses the limited substantial empowerment Croatian organisations were able to achieve due to their late mobilisation, and discusses the post-accession

decline in mobilisation. It ends by underscoring the continued involvement of Croatian civil society actors in sharing lessons with their counterparts across the region.

Political opportunity structure

In comparison to the other Western Balkans countries, Croatia has an unusually progressive institutional and legal framework for civil society involvement, which began to emerge already prior to explicit EU engagement. EU support has focused on providing financial resources and strengthening CSOs' capacities, both of which significantly shaped the civil society sector over time. At the domestic level, existing provisions for consultations on ongoing legal initiatives are far-reaching and increasingly better implemented by the relevant state bodies. Yet, the openness of the general policy-making process contrasts with much less developed structures in the context of EU accession negotiations. With regards to the specific membership talks, non-transparent and executive-dominated procedures prevailed, especially in the politically sensitive areas of the accession process. On the whole, the structural environment in which civil society actors evolved constrained effective involvement at the domestic level, favouring extra-institutional mobilisation and a privileging of the 'Brussels route.'

EU political and financial support

The involvement of civil society actors in policy-making was subject to EU monitoring from a very early stage. The first country report issued for Croatia in the framework of the SAP admonished the "absence of NGOs from policy making and legislative processes" and recommended "increased co-operation between the different institutional players and representatives of civil society" (European Commission

2002a: 6). Nonetheless, mention of civil society in the progress reports published between 2005 and 2007 was cursory and remained limited to a few lines, with the 2007 report for instance merely pointing out that “civil society organisations continue to play an important role in the promotion and protection of human rights and democracy” (European Commission 2007a: 11).

The 2008 progress report highlighted that CSOs “have difficulty influencing policy debate and remain relatively weak in analytical capacity” (European Commission 2008: 11), but failed to put forward any remedies for this situation. A year later, the Commission emphasised that CSOs’ difficulties were “partly due to the government tending not to include them in the policy-making process” (European Commission 2009: 12). The 2010 progress report for the first time contained a full paragraph on civil society in its section on political criteria. It hailed the improved regulation of public consultations, but criticised the incomplete implementation and CSOs’ weak financial and analytical capacities (European Commission 2010e: 11).

Following the conclusion of accession negotiations in June 2011, the progress report published in October of the same year recognised the creation of a CSO coalition monitoring the areas of justice and human rights. However, it concluded that at a general level, “CSOs tend to remain excluded from the policy-making process” (European Commission 2011d: 9-10). Neither of the three monitoring reports published in the period leading up to Croatia’s formal EU accession mentioned civil society other than to acknowledge that it was one of the sources of information used for the Commission’s assessments.

On the whole, political support for the strengthening of civil society actors thus remaining largely rhetorical. A Commission official in Brussels asserted that while his service encouraged the Croatian government to improve cooperation with CSOs, the precise form of civil society involvement was left to the candidate country (interview with DG Enlargement, March 2014). Sources from the EU Delegation in Zagreb confirmed that the absence of formal benchmarks for civil society inclusion made it difficult to go beyond a “soft approach” to the issue (interviews with two EU Delegation officials, both May 2014).

In terms of material support, the TACSO Office in Zagreb provided capacity-building trainings and advice to local civil society organisations up until its closure in August 2013. A study based on a comprehensive survey among Croatian CSOs, contracted by the local TACSO mission to assess the impact of IPA-funded capacity-building measures between 2007-2013, finds a rather significant structural impact of the membership negotiations on the civil society sector. Over two thirds of respondents declared to have been involved in the preparation (74 per cent) or implementation (65 per cent) of EU projects at least occasionally. Around one third indicated they were continuously applying for (35 per cent) or carrying out (29 per cent) EU-funded activities (Đokić and Šumpor 2013: 18). Between 2008 and 2011, the Croatian Government Office for Cooperation with NGOs received a total of €10.7 million through IPA to fund CSO activities through various sectoral grant schemes. As the figure below shows, up to two thirds of the amounts disbursed through these schemes were specifically earmarked for activities related to the rule of law.

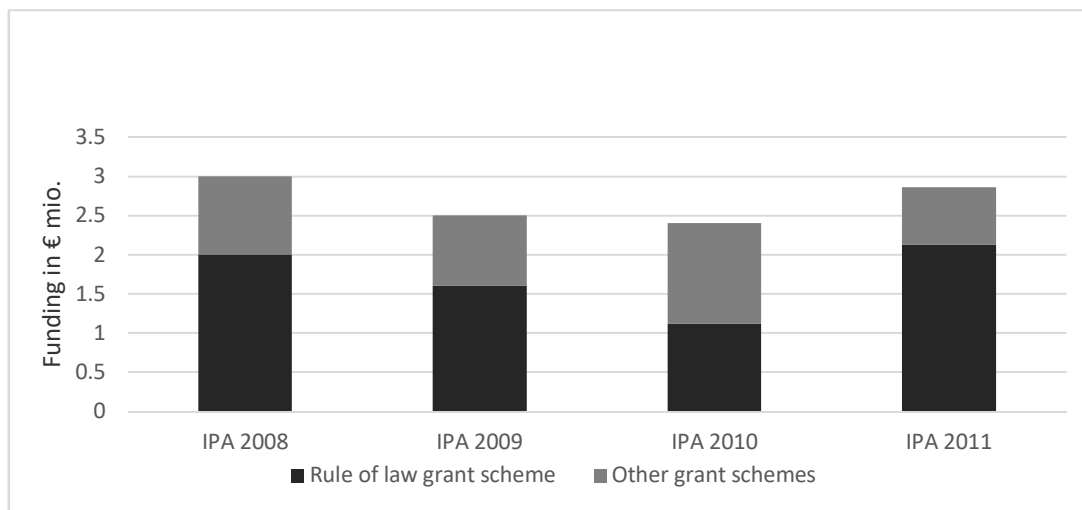


Figure 7. Civil society funding available through IPA grant schemes, 2008-11.
Source: European Commission, IPA project fiches.

The introduction of regular consultations with civil society actors by the EU favoured a move away from advocacy-focused activities towards monitoring and the regular publication of detailed reports on specific areas related to the rule of law and the protection of human rights (interview with Youth Initiative for Human Rights (YIHR); Documenta, both May 2014). The structural adaptation of the CSO sector to the accession process also translated into the use of more managerial approaches to advocacy work. Hence, a growing number of organisations undergoes regular strategic planning sessions and works with policy frameworks and other formal guidelines borrowed from the international development toolkit (interview with *Gradani Organizirano Nadgledaju Glasanje* (GONG), May 2014). It is therefore obvious that the mobilisation of financial and technical resources provided by the European Commission facilitated the gradual professionalisation of the Croatian civil society sector, setting the stage for a more substantial involvement of NGOs at later stages of the negotiation process.

At the same time, the naming of the various civil society support programmes is indicative of the EU's primary purpose in strengthening civil society.⁶ The strong emphasis on the assistance with implementation and monitoring underscores the Commission's desire to acquire local partners in order to ensure consistent *acquis* compliance, as opposed to emphasising a more general empowerment of civil society actors as participants in domestic policy-making (see Fagan 2010a).

Assessments by civil society actors of the effects of EU support vary, though all concur that EU funding favoured the professionalisation of the sector. One activist who was employed in parallel by several different CSOs emphasised the positive impact. She claimed that without financial support, civil society would have worked on the same topics, "but less effectively." Still, she added, "many resources were wasted on obtaining EU grants rather than making progress on content" (interview with Croatian activist, May 2014). Others were more vocal in their criticism. The representative of a feminist organisation decried that "they basically proposed us an agenda that we didn't participate in shaping" (interview with B.a.B.e., March 2014) and a former member of the same organisation suggested that "we were much more efficient and closer to our original mission before EU funds arrived" (interview with former member of B.a.B.e., May 2014).

The withdrawal of many international donors from what is now considered a democratically consolidated state only increased the relevance of EU funds further

⁶ IPA 2009: "Enhancing the Sustainability and the Development of Civil Society Organizations (CSOs) as Proactive Social Actors in the Implementation of the EU *Acquis*"; IPA 2010: "Assisting Civil Society Organisations in developing, implementing and monitoring public and *Acquis* related policies"; IPA 2011: "Active Civil Society for Ensuring Durability of Policy Reforms in Post-Accession Croatia"; IPA 2012: "Civil Society Organisations – Internal Control Mechanism for Safeguarding the EU Standards".

following accession. CMS for instance, as one of the most prominent organisations in the rule of law area, received around 60 per cent of its total funding through EU projects in 2014 (interview with CMS, March 2014). The reception of EU support by Croatian civil society actors thus illustrates well both the shaping power of these new opportunities and certain negative effects triggered by the Commission's overly instrumental approach.

Domestic institutional and legal framework

The Croatian case stands out in regional comparison for the early introduction of supportive institutions for CSOs, with the chosen triangular structure serving as a template for other countries in the region. Even before the death of Franjo Tuđman, whose nationalist Croatian Democratic Union (*Hrvatska demokratska zajednica*, HDZ) ruled the country throughout the decade of the 1990s, the country saw the creation of a Government Office for NGOs (hereafter 'NGO Office'). This early institutionalisation resulted from a sudden increase in the number of associations, facilitated by a new law in 1997, and international pressures especially from the Organisation for Security and Cooperation in Europe (OSCE) to formalise relations with CSOs (interview with NGO Office, April 2014).

Opened in 1998, the NGO Office serves as a central point for the coordination of government interactions with CSOs and was in charge of distributing EU grants for civil society projects during the lead-up to EU accession. In policy terms, it has supported the introduction of improved procedures for civil society consultations on legal initiatives rather vigorously under its recently departed Director, whose previous career was within the non-governmental sector (interview with NGO Office, April

2014; B.a.B.e., March 2014). The National Foundation for Civil Society Development, established in 2003, disburses funding from national sources and has taken on a central role following the withdrawal of international donors as a result of Croatia's EU membership. Finally, the Council for Civil Society Development was created in 2009 as a cross-sectoral advisory body containing both government and civil society representatives.

Despite a progressive institutional set-up however, the political climate governing state-civil society relations has been slow to change. Civil society in its current shape is largely the result of foreign donor intervention in the late 1990s that saw increased funding made available to local CSOs and external pressure for improvements in their operative environment (Bežovan et al. 2005: 17). However, the strong involvement of external actors also led to questions about the legitimacy of CSOs, easily branded by the government as 'foreign agents,' defamed in the media and, as a result, benefiting from a low public standing. Moreover, CSOs during the early 2000s suffered from weak capacities and a lack of advocacy skills, which limited their ability to impact policy-making (Bežovan et al. 2005: 71).

Yet, according to several sources, the political climate governing state-civil society relations significantly improved over the past decade (Kuntz 2011; interview with DG Enlargement, March 2014; GONG; NGO Office, both April 2014). An interviewee from CMS compared the situation to "heaven and hell," with government officials significantly more open to accept external input in their work compared to the early days of the membership negotiations (interview with CMS, March 2014). The EU accession process and the resulting Europeanisation of public policies have been made

out as key drivers of this shift. Nonetheless, the fragile political commitment to inclusion and low participation rates make for a weak foundation for civil society (Bežovan and Matančević 2011: 15).

When it comes to legal provisions, the NGO Office was key in pushing for the adoption of a Code of Practice on Consultations with the Interested Public, adopted in November 2009. This law foresees public consultations of at least 15 days on any ongoing legislative initiative. In an interesting illustration of the strategic use of the EU accession process by a progressive-minded state institution, the Code of practice was eventually introduced as part of the anti-corruption action plan required in the context of chapter 23. This move paved the way for its successful adoption despite a certain reticence on the government's side (interview with NGO Office, April 2014; Škrabalo 2012: 10). Despite varying degrees of compliance with the obligation to consult across different Ministries, often due to a lack of awareness on the part of government officials, training measures and amendments to the Rules of Procedure have gradually improved their implementation (Open Government Partnership 2012; Government Office for Cooperation with NGOs 2015).

Set-up of the accession process

In contrast to the increasing inclusiveness in policy-making at the domestic level, the EU accession negotiations remained comparatively closed to civil society actors. Whereas the political commitment to transparency and inclusiveness was largely met during the screening phase (interview with Institute for Development and International Relations (IRMO), March 2014), the later stages of the membership talks were characterised by a high degree of secrecy resulting from the classification of

documents related to the negotiations (Škrabalo 2012; interview with CMS, March 2014). Government officials feared that public disclosure and open debate about accession-related issues would weaken Croatia's negotiating position, with a source close to the negotiations affirming that

NGOs shouldn't be part of the negotiating structure because the documents are confidential; I don't want to read about a position in the newspaper before a document is officially submitted (...) Through inclusion [of civil society actors], you increase this risk. (interview with member of negotiating team, April 2014).

Whereas the overall negotiation structure was rather inclusive – with around a third of the 1'800 persons involved coming from outside the institutions, including from academia, trade unions, and the civil society sector – the composition of each working group was left to the respective negotiators and therefore varied widely (Government of Croatia 2005). For instance, the negotiating group on environmental issues contained five to six CSO members at any given point in time, with civil society representatives generally satisfied with their involvement (interview with Green Action, May 2014). In contrast, the negotiating group dealing with chapter 23 did not contain any representative coming from the civil society sector, despite several changes to its composition (Bobić and Božić 2012: 11). This created a perception among the numerous CSOs active in the field of rule of law that the negotiations were effectively closed to them (interview with Documenta, May 2014).

On the government's side, there was an understanding that the involvement of actors from outside the governmental sector should not occur for the mere sake of transparency, but instead be used to compensate for a lack of expertise inside the government (interview with Ministry of Foreign Affairs (MFA), April 2014). Many laws for instance were drafted by university professors rather than officials from

Ministries. At a general level however, despite some government actors involved in the negotiations considering CSOs as a helpful “corrective mechanism” (interview with MFA, April 2014), there was a fear that their inclusion may slow down the process by adding requirements to the already comprehensive membership conditionality. An official from the Ministry of Justice, in charge of chapter 23, bluntly stated that CSO input was

not useful because our aim was to enter the EU and the documents of CSOs were mostly critical, when what we wanted was to become an EU member. (interview with Ministry of Justice, April 2014).

This difference in approach was felt by civil society actors, whose focus on high-quality, sustainable reforms and the secondary importance of the EU entry date prevented more fruitful cooperation with state-level actors (interview with YIHR, May 2014).

In addition to the government-level negotiating structure, the imminent opening of membership negotiations saw the creation a National Committee for Monitoring Accession Negotiations inside the National Parliament. Established in January 2005, this working body was systematically headed by a member of the opposition and thought to embody the institutional expression of the national consensus on EU accession. Besides its oversight role and regular reports to the Croatian Parliament, the National Committee was understood to act as a focal point for civil society inclusion. In light of the existence of this Committee, pressure to foster additional forms of inclusion for civil society actors by member states and the EU was minimal (interview with EU member state representative, May 2012).

However, while the National Committee provided regular input on the ongoing accession talks, this was considered by executive actors as “more recommendations than obligations” (interview with MFA, May 2014), with the government in charge of negotiations. At the same time, civil society actors widely considered the National Committee to be the only institution involved in the accession process with which they succeeded to establish a good cooperation (Teršelič 2014: 8). Still the National Committee was considered insufficient as an access point to the membership negotiations. This resulted in a rather limited degree of access for civil society actors to the negotiation process, especially with regards to chapter 23.

Intermediary conclusion

The political opportunity structure in which Croatian civil society actors evolved during the EU accession process was rather ambiguous: at the domestic level, political openness to cooperation with the civil society sector was slow to match the progressive institutional and legal set-up. Moreover, the accession process itself was fraught with secrecy and widespread suspicion regarding the involvement of civil society actors. At the EU level, financial incentives for a closer involvement on accession-related themes were plentiful, but political support for civil society inclusion remained largely rhetorical. EU support therefore triggered the professionalisation of the civil society sector, but the institutionalisation of state-civil society relations remained largely restricted to the introduction of formal procedures over effective cooperation, and the membership negotiations were generally non-transparent. Feedback effects were limited, with little evidence of strategic usage of the EU accession process during its early stages. On the whole, opportunities for involvement greatly depended on the ability of civil society actors to creatively use partial openings for their purposes. This

translated into late, but rather effective mobilisation, which the following section analyses more in-depth.

Mobilisation strategies: last-minute joining of forces

Political opportunities shape the structural conditions under which mobilisation choices are made. At the same time, they open the door to creative usages of EU accession negotiations, providing civil society actors new possibilities to become involved in the ongoing reform processes in their countries. The following sections trace the evolving mobilisation strategies of Croatian organisations active in the rule of law. The discussion addresses both the choice of repertoire, especially the question whether involvement occurs through formal channels or through extra-institutional activism, and their preferred venue, be it EU actors or domestic policy-makers. The analysis shows that despite an initial apathy and a lack of awareness for new EU-related opportunities, the Croatian civil society sector eventually picked up on the shift in the political opportunity structure that the EU accession process had brought about. As a result, there was a rather forceful mobilisation during the final stages of negotiations, despite CSOs having to define their approach without much guidance from previous experiences.

Early apathy: lack of capacities, access, and awareness

The Croatian civil society sector is characterised by a small number of prominent organisations that emerged in the mid-1990s as anti-war movements focused on human rights and peace-building, and for the most part successfully adapted to the democratic changes following Tudman's death. In addition, a certain number of grassroots organisations exist that provide services to populations locally, often outside of

Zagreb, and are less involved in policy-oriented work. Early involvement by civil society actors in the EU accession process was weak, with local organisations taking some time to recognise the opportunities that the ongoing negotiations offered to them.

As one Croatian CSO representative recalled in hindsight:

It is not that we did not want to be involved: it is that in 2007, when the negotiations started to gain momentum, we certainly did not know as much about public advocacy as we do today. The doors of the Government of Croatia and the EU Delegation remained shut to us for a long time. (Teršelič 2014: 7)

A representative of an international donor organisation operating in Zagreb lamented the “extremely passive approach to EU accession and a chronic lack of interest for EU integration up to 2010,” with CSOs working on national level topics that rarely brought in an EU perspective (interview with international donor organisation, May 2014). This low degree of mobilisation was not only due to limited resources and awareness within the sector, but also resulted from a number of external factors that constrained civil society mobilisation during the initial stages of the accession process.

First of all, the early years of the membership talks were marked by bilateral contacts between the European Commission, mandated by the EU member states, and Croatia as a candidate country. Even during the later stages, EU officials emphasised that accession negotiations were an “intergovernmental process” and that “the key partner are governments” (interview with DG Enlargement, March 2014). Formal access for civil society actors was therefore restricted both at the domestic and the EU level. The non-disclosure of negotiation documents further hampered a more meaningful involvement of civil society actors on substantial issues (Vidačak and Škrabalo 2014: 164). In terms of consultations with the EU, an activist recalled that despite more regular interactions with the EU Delegation as of mid-2008, it was not before May

2011 that civil society actors were formally called upon to provide input on the Commission's annual progress report (Teršelič 2014: 9). In the words of another, "we could have used this opportunity earlier, but we simply had no awareness of this possibility" (interview with Documenta, May 2014).

Second, the low intensity of contacts with civil society actors from countries that had previously joined the EU prevented Croatian organisations from benefiting from the lessons learned of their predecessors. This is partly explained by the fact that the emphasis on civil society inclusion was less marked during the fifth enlargement round, which focused more on EU interactions with the executive actors (Grabbe 2001) and saw only modest funding for CSOs (Raik 2006). In addition, changes to the accession process itself, most notably the introduction of benchmarking and an emphasis on implementation, made the experience of CEE countries less immediately applicable to the Western Balkans (interview with MFA, November 2014). Finally, whereas some Croatian activists were aware and openly advocated for the adoption of the Slovenian model of civil society involvement through the Parliament, the reluctance of Croatian government officials failed to open the space for the effective diffusion of the Slovenian experience into Croatian practice (Vidačak and Škrabalo 2014: 163).

Third, the late opening of chapter 23 further narrowed the window of opportunity during which civil society actors engaged in rule of law issues could build on EU leverage to strengthen their positions at the domestic level. Formal negotiations for the chapter began only in June 2010, just a year prior to the intended finalisation of membership talks. It was the imminent closure of negotiations, which civil society

actors feared would freeze domestic conditions in their dissatisfactory status quo, that led some of the leading organisations to push for collective mobilisation during the final months of formal accession talks (Marović 2012: 3; interview with CMS; former member of B.a.B.e., both May 2014). The following section analyses the emergence of a comprehensive mobilisation effort around chapter 23 in-depth.

Collective mobilisation: monitoring coalition for chapter 23

The initial impetus for collective mobilisation of the civil society sector around remaining shortcomings in the rule of law came in early 2011. The idea of joining forces to monitor progress during the final stages of the membership negotiations was driven by the election watchdog organisation GONG and the Human Rights House (interview with B.a.B.e., March 2014). The latter is a gathering of six human rights CSOs, of which CMS was the most vocal in pushing for a collective approach (interview with Documenta, May 2014). Other organisations progressively joined the effort, bringing the “Coalition for Monitoring the Accession Negotiations with the European Union – chapter 23” to a total of 15 members prior to the closure of membership talks in June 2011. Membership was open to any interested organisation, with the follow-up coalition ‘Platform 112’ eventually comprising over 70 member organisations (interview with Green Action, May 2014).

The coalition’s structure was relatively loose, with a distinction made between active and supporting members, but otherwise few formal rules or procedures to guide its operation. A distinctive characteristic of the monitoring coalition was that it functioned on a voluntary basis and received only very limited international funding for the coordination of its activities (interview with CMS, March 2014). This mode of

operation defies the typical criticism of donor-driven agendas and funding-induced networks. A coordination board gathering the most active members met once a month to decide on upcoming activities, while the coalition's everyday work was coordinated through a mailing list (interview with Zagreb Pride, May 2014). A handful of individuals from the leading organisations drafted the substantial contributions of the coalition based in part on input from other members, and circulated them for approval within the network (interview with CMS, March 2014). If no response was received within 24 hours, this was taken as a sign of consent, and the name of the organisation added as a signatory to the adopted declaration (interview with GONG, May 2014).

It is this ad hoc functioning that drove a small number of organisations to remain outside the coalition (interviews with three different activists A, B, C, all three May 2014). One interviewee explained that this decision was due to the coalition being “just so utterly disorganised” and its consensus-based approach representing an “impractical and long way of doing things” (interview with activist A, May 2014). Moreover, the late creation of the coalition made it so that some organisations had already developed activities related to EU accession and chapter 23 in particular, reducing the added value of coalition membership (interview with activist B, May 2014). Finally, there was a feeling that the large number of organisations led to an extremely broad scope of work. Those organisations remaining outside the coalition often preferred to maintain a narrower focus on their area of expertise (interview with activist A, May 2014). Nonetheless, the open character of the coalition allowed for a more irregular cooperation of non-members on certain specific issues, making civil society mobilisation around chapter 23 very much a collective endeavour in the Croatian case.

The coalition's key outputs are illustrative of a strategic use of accession-related opportunities. Building on earlier monitoring activities conducted by individual organisations, it drew up shadow reports that critically assessed the readiness of Croatia to close negotiations on chapter 23 and highlighted outstanding shortcomings.

The coalition's first report in February 2011 voiced concern that

the closing of Chapter 23 should mean that positive changes in the rule of law are irreversible, which is still not the case (Coalition for the monitoring of accession negotiations 2011b).

It went on to list a series of specific measures across all dimensions of chapter 23 to be implemented prior to the finalisation of accession negotiations. Thanks also to its propitious timing – details from the report happened to reach the members of the EU negotiating team as they sat in the office of the Croatian Chief negotiator (interview with DG Enlargement, March 2014; Negotiation Secretariat, April 2014) – the report had a considerable impact upon the final months of the accession process. According to a source close to the accession negotiations, it was “very damaging for us, we had to invest much effort to show we were ready” (interview with former member of negotiating team, April 2014).

Since the closure of accession negotiations in June 2011 had already been decided at that point, the shortcomings raised by the coalition did not result in an actual delay of Croatia's membership. However, they did increase the level of scrutiny on the side of the Commission and informed the monitoring reports published between the closure of negotiations and the actual accession date (interview with EU Delegation, April 2014). An interviewee close to the negotiation process suggested that “some tasks because of this [civil society involvement] were more difficult, maybe without them

we would not have had as many closing benchmarks” (interview with former member of negotiating team, April 2014).

Three months after the coalition’s initial report, it issued a follow-up assessment that expressed ongoing concerns with reform efforts in chapter 23 and the government’s implementation capacities. At the same time, it underlined the coalition’s approval of the likely political decision to close formal negotiations (Coalition for the monitoring of accession negotiations 2011a). Not wanting to slow down the accession process as such, the coalition sought to navigate between a general support for Croatian EU membership and criticism of concrete issues it felt should be addressed prior to accession (interview with B.a.B.e., March 2014). Thus, the coalition’s main concern was with the sustainability of adopted reforms, which became its main focus following the closure of negotiations (see Platform 112 2012b).

On the whole, the creation of a monitoring coalition demonstrates the strategic usage of the EU accession process to promote rule of law reforms at the domestic level (see also Bobić and Božić 2012: 12). In the words of a coalition member, “we used the accession process because we wanted something to happen based on our research” (interview with B.a.B.e., March 2014). The collective mobilisation effort resulted from the marginalisation of civil society actors in the formal set-up of the negotiation structure (interview with CMS, May 2014) and a sense that a common voice was likely to weigh more strongly upon the ongoing negotiations (interview with YIHR, May 2014).

Nonetheless, there was also an external element in the decision to create a joint coalition. This consisted in the implicit demand on the European Commission's side for a more coordinated representation of civil society within the process (interview with OSF Zagreb, April 2014). Hence, it was the collective nature of the coalition's approach that lent it particular credibility at the EU level. Moreover, the progressive withdrawal of international donors and the ensuing scarcity of resources for Croatian civil society actors provided a material reason to pull together and to coordinate activities.

Targeting the EU: strategic venue choice

Besides its collective approach, another defining feature of the monitoring coalition was its explicit engagement with EU actors. Again, a key reason for this was the lack of effective domestic access, with one activist claiming:

We used the government as much as they were open, we were continuously taking part in consultations, protests etc. [But] when you're in a position where the government does not want to do something, you go to the EU to exert pressure. If you could do it through the government, you wouldn't need the Commission. (interview with GONG, April 2014).

The shadow reports chosen by the coalition as the main format to voice its critical assessments clearly suggest the EU level as being the main target of its activities. They were published immediately prior or in response to the Commission's evaluations of reform progress and pointed to differences in the coalition's assessments and the problematic implementation of certain legal provisions and political commitments, related to the rule of law.

EU-level actors commended the coalition's input, with an official from DG Enlargement stating that "they adapted very well to our reporting cycle," providing

input that “stood a good chance of being included in the wording of the progress report” (interview with DG Enlargement, April 2014). The chosen methodology corresponded to the Commission’s needs, with the use of the Commission’s technocratic language making the input easily digestible for EU actors (interview with DG Enlargement, March 2014). Over time, the coalition forged close connections to several EU officials both in the local EU Delegation and in Brussels, with one member expressing that “in all our policy advocacy activities, the Commission was our main partner, if sometimes at the cost of neglecting the population” (interview with CMS, March 2014). This self-critical assessment illustrates well that the alienation of CSOs from their original constituencies observed in previous studies is as much the result of EU funding as it is of their independent strategic decision to privilege interactions with external actors in view of shaping domestic policy outcomes.

Certain EU officials actively supported the work of the coalition, for instance encouraging its members to engage not only with the EU Commission, but also with the European Parliament and representatives of member states interested in critical insights from the ground (interview with CMS, March 2014; EU Delegation, May 2014). As those setting the benchmarks for the different negotiation chapters, member states proved to be valuable contacts despite a variation between countries in the level of interest in civil society input (interview with GONG, April 2014). Some of the international donors operating in Zagreb facilitated contacts in Brussels, with Green Members of the European Parliament (MEPs) proving to be particularly responsive and even providing the coalition members with documents internal to the negotiation process (Platform 112 and prEUgovor meeting, 2 April 2014; interview with international donor organisation, May 2014).

The coalition's comprehensive advocacy strategy increased the range of international allies supporting its claims. This, in turn, strengthened their credibility vis-à-vis government actors (interview with MFA, April 2014). In sum, engagement with EU actors was thus both strategic and comprehensive, with the monitoring coalition increasingly establishing itself as the go-to civil society actor in the final stages of the accession process.

Intermediary conclusion

The mobilisation of Croatian CSOs active in the rule of law did not occur until negotiations on chapter 23 were opened. Prior to that, a lack of capacities and awareness for accession-related opportunities precluded a more forceful engagement in the EU accession process. In the absence of sufficient access at the domestic level, extra-institutional mobilisation and a strong focus on the 'Brussels route' became the obvious alternative. Driven by a number of leading activists, a monitoring coalition bringing together most of the prominent organisations active in areas related to the rule of law emerged as the main format for civil society mobilisation. The conscious adaptation of repertoire and venue choice to the given structural circumstances and the receptiveness of advocacy targets shows a clear attempt on the part of civil society actors to use the EU accession process in order to empower themselves. The following section turns to the outcomes of these strategic mobilisation efforts both during the accession process and following Croatian EU membership.

Mobilisation outcomes: coming full circle?

The late, but forceful mobilisation of Croatian civil society actors did not go unnoticed by domestic policy-makers. On the contrary, the collective character of the monitoring

coalition, its chosen methodology and the strategic targeting of the EU level made for a significant degree of procedural empowerment that allowed its members to upload a number of their demands into the EU's conditionality. The first section addresses this dimension more in detail, using the example of free access to information to illustrate the joint operation of framing and indirect coercion to influence substantial outcomes at the domestic level. The second section shows that, despite this initial success, the general overreliance upon the 'Brussels route' proved detrimental once formal accession negotiations had been closed and the EU's interest in critical input waned. Croatian civil society actors adapted their strategy by targeting the domestic level through a series of more specific campaigns but, in the absence of a strong EU ally and in a climate of conservative backlash, experienced a marked decline in their relevance. The final section discusses what has remained of the Platform's late, but successful mobilisation, and addresses lessons learned at the government level as well as retrospective evaluations by civil society actors.

Procedural empowerment as a stepping stone to successful uploading

The last-minute mobilisation of the coalition precluded the setting up of formal structures for inclusion, with efforts instead focused on providing a substantial reaction to the ongoing negotiations (Platform 112 and prEUgovor meeting, 2 April 2014). The collective nature of the coalition as a format bringing together the voices of civil society was crucial both in facilitating the Commission's dealings with CSOs and in ensuring that they were acknowledged by the government as credible actors in the accession process (interview with MFA; EU Delegation, both April 2014). The coalition enjoyed broad recognition, with one of its members recalling that "everyone wanted to meet us" (interview with B.a.B.e., March 2014) and another that

the coalition became the strongest NGO player on the scene (...) Our impact was one hundred times stronger once we all came together (interview with CMS, March 2014).

Awareness on the part of governments actors of the close contacts between coalition members and the EU Delegation as well as officials in Brussels further increased credibility of CSOs on the domestic scene (interview with Ministry of Justice, April 2014; Negotiation Secretariat, November 2014). Following the publication of the coalition's first report in February 2011 for instance, the government was asked by the Commission to respond to each of the points raised (interview with MFA, April 2014). In addition, Croatian Foreign Minister Vesna Pusić came to the Human Rights House to discuss the claims made in person (Platform 112 and prEUgovor meeting, 2 April 2014).

In addition to its collective nature, the prominence of the coalition was to a large extent due to the effective framing of its demands. Its intentional use of a language close to that employed in the EU's own annual assessments greatly facilitated the reception of its demands, with an official from the EU Delegation emphasizing that the coalition provided "very, very good reports that were taken into consideration for the annual progress report" (interview with EU Delegation, April 2014). At the same time, with most members already involved in monitoring efforts and communication with EU actors prior to its creation, the coalition's work represented more a change of form than a change of tools or methods (interview with Documenta, May 2014).

In terms of the outcomes of this strategy, the immediate relevance of the coalition's reports to the EU's monitoring of reform progress in Croatia resulted in a symbiotic relationship with the European Commission and other EU-level actors. While EU

officials benefited from direct access to alternative insights particularly on shortcomings in the implementation of adopted measures (interviews with two EU officials, April and May 2014), the coalition members recognised the need for EU leverage to pressure national policy-makers into adopting key reforms in the areas of rule of law and fundamental rights (interview with GONG, May 2014). The effectiveness of this approach is illustrated by the case of free access to information, which is traced in the following.

Free access to information: a success story

Free access to information is a means for actors external to the policy-making process to gain insight into ongoing legal initiatives and other activities conducted by state bodies. It is particularly crucial in societies where inclusive policy-making is not a standard procedure and represents a key tool to monitor and fight corruption in the public sector. It is thus that one of the monitoring coalition's key demands centred on securing an appropriate and functional law on free access to information.

The Commission's progress reports had repeatedly highlighted weaknesses in this regard. It emphasised in particular the need to balance the "legitimate interest of the State to protect certain information and the right of the public to have access to it" (European Commission 2008: 8; 2009: 8). However, mention of free access to information was often succinct, with the last regular progress report prior to the closure of negotiations noting "limited progress in the fight against corruption" and highlighting that there had been "no improvement in the application of access to information legislation" (European Commission 2010a: 51).

GONG, as one of the leading organisations of the coalition, had been documenting breaches in the application of the Freedom of Information Act (FoIA) since 2005 through annual reports. It was represented in the government-level working group for FoIA amendments that eventually led to certain changes to the existing law being adopted in December 2010. One key novelty concerned the proscription, in line with the closing benchmarks defined for chapter 23, of a proportionality and public interest test. This served to ensure an adequate balance between the right to free access to information and certain legitimate reasons to deny such access (Miošić and Prkut 2012: 1).

However, GONG raised a number of persistent shortcomings that were included in the monitoring coalition's first joint report, published in February 2011. The report formulates three distinct requests: first, that the amended law be annulled on procedural terms, given that it was not adopted by a qualified majority; second, that an independent body in charge of conducting the public interest test be created; and third, that the Data Secrecy Act (DSA) be harmonised in accordance with the new provisions contained in FoIA (Coalition for the monitoring of accession negotiations 2011b: 2). These criticisms resonated with the Commission and were addressed explicitly in its interim report assessing compliance with the closing benchmarks (CBM) for chapter 23 published in March 2011.

The section on CBM 6 regarding the track record for an effective fight against corruption emphasised that

some provisions in the newly adopted legislation [on access to information] remain to be clarified (...) including in terms of consistency with other legislation (...) [and] implementing structures need to be strengthened" (European Commission 2011a: 5).

The Constitutional Court eventually annulled the amendments introduced to FoIA on procedural grounds. However, the government decided to enter an unaltered version of the law into parliamentary procedure again, thereby leaving the substantial concerns formulated by the coalition and the EU Commission unaddressed (Coalition for the monitoring of accession negotiations 2011a: 6). It is thus that the coalition's following report in May 2011 reaffirmed the need for substantial changes to the law, insisting on "an effective mechanism for the test of public interest and ensuring coherence of the Data Secrecy Act" (ibid.: 2). The insufficient compliance of public bodies with FoIA provisions is also raised in the first report by the Agency for the Protection of Personal Data, charged with monitoring its implementation. Thus, it is evident that the coalition's advocacy efforts and the integration of its observations into the EU's reports enhanced the salience of the issues raised at the domestic level.

In July 2012, GONG published a comprehensive analysis of the ongoing shortcomings of FoIA (Miošić and Prkut 2012). The report garnered significant media attention, including guest appearances of GONG representatives in political TV shows (interview with GONG, October 2012). Most notably, GONG's advocacy efforts led to the key findings from its report being included among the remaining tasks for Croatia within the Comprehensive Monitoring Report on the country's preparedness for EU membership (GONG 2013). In its discussion of the existing monitoring body's limited mandate to perform public interest tests in cases of classified information, the GONG report states that:

the Act proscribes that the Agency is not allowed to perform public interest tests in cases of refusal of access to classified data, nor in cases when access to information has been refused by the highest state institutions (...). In all these cases, an appeal can only be filed directly with the Administrative Court, which is bound by FoIA to perform the public interest test. The Court's practice, however, has shown that the Court,

instead of performing the public interest test, simply rules that refusal of access to information was legal, since information was classified in accordance with the provisions of DSA. (Miošić and Prkut 2012: 4).

Breaking with the previous practice of offering only rather general recommendations, the relevant section in the Commission's report picks up the main elements of the GONG findings:

In 2011, no public interest test was applied to classified data. The current practice of the Administrative Court is to confirm the existence of such data and deny access to it. The practice of applying the public interest test to classified information needs to be developed, including through legislative changes. (European Commission 2012c: 10).

This new practice of pointing out concrete shortcomings in several areas is one of the key changes brought about in the final stages of the accession process. The imminence of the country's accession opened the door to more direct formulations in those areas that the Commission considered primordial prior to Croatia becoming an EU member state. This allowed civil society actors to give a "last push of what you can squeeze out of the process" (interview with OSF Zagreb, April 2014).

On 15 February 2013, barely four months prior to Croatia's accession date, the Parliament adopted a new Freedom of Information Act. Its adoption followed ten months of intense debate within a new working group created by the Ministry for Administration that included both a representative of GONG and a member of Transparency International Croatia (GONG 2013). GONG's participation in the working group suggests the parallel use of persuasion through involvement at the domestic level (personal communication with GONG, December 2012).

However, it was indirect coercion that played the decisive role in seeing GONG's demands translated into legal action by the Croatian government. The new law

contains two of the central requests formulated in the initial GONG analysis (Miošić and Prkut 2012: 9) and reiterated in a subsequent joint report by Platform 112 (2012b: 4-5). Namely, it foresees the introduction of an Information Commissioner dedicated solely to the promotion and protection of the freedom of information and the conduct of a full proportionality and public interest test for all FoIA exceptions. It was welcomed by GONG as “a first step towards newly framed transparency” (GONG 2013) and is widely recognised as a central achievement of civil society mobilisation in Croatia (Podolnjak and Gardašević 2014: 2).

The adoption of the new law on free access to information illustrates well the ability of Croatian civil society actors to achieve substantial empowerment through their strategic use of new opportunities provided by the EU accession process. The build-up of civil society pressure over several years of monitoring and public advocacy eventually led to the most contentious issues being included among the EU’s membership conditionality. This paved the way for the introduction of a new, more progressive regulation in line with the demands formulated by the monitoring coalition and GONG as one of its driving members.

At the same time, the FoIA episode illustrates how differential empowerment is effectively enabled by the concurrent appearance of a number of conditions. First, the imminent closure of accession negotiations opened a window of opportunity where EU leverage was at its maximum (interview with CMS, March 2014). Even more specifically, the coalition members were able to benefit from the EU’s near-exclusive focus on chapter 23, which was among the very last, and the most sensitive, to be closed. Their priorities were therefore largely aligned with those of the EU, greatly

facilitating the emergence of a 'boomerang pattern' of empowerment. Second, GONG was able to use its membership in the relevant ministerial working group as an additional channel through which to introduce its detailed demands into the law-making process via the 'national route.' Finally, demands for changes to FoIA were backed by a broad range of civil society actors, further increasing the pressure upon government officials to respond to such a collective mobilisation effort. Yet, the joint existence of all three of these conditions is empirically rare, seemingly circumscribing the ability of civil society actors to wield effective influence over policy outcomes in all but exceptional constellations of circumstances.

More broadly speaking, the strong reliance upon EU leverage imposed certain substantial limits upon the empowerment of civil society actors. In order to be able to effectively build on EU pressure, a direct connection needed to be established between shortcomings observed by civil society actors and existing membership requirements to which they could refer to back up their claims. Where such framing was successful, "the government would become immediately obedient" once EU institutions supported a demand (interview with B.a.B.e., March 2014).

However, other points the coalition tried to raise were too subtle for the Commission to grasp their relevance in terms of membership requirements (interview with GONG, April 2014). This was initially the case for free legal aid, which civil society actors felt was insufficiently regulated to allow them to support citizens. Yet, the failure on the EU side to pick up on this point led to Croatia eventually entering the EU with a dysfunctional free legal aid act (Platform 112 and prEUgovor meeting, 2 April 2014). The general sense was therefore that

if something is not part of the *acquis*, you can bring an issue into the discussion but you cannot have a result if your counterpart in the government is not responsive (interview with OSF Zagreb, April 2014).

This recognition signals that despite improvements regarding the domestic involvement of civil society actors in policy-making, substantial reforms still remained strongly tied to EU leverage as an important facilitator of change.

EU leverage and its limits: the lack of a sustainable tool for empowerment

Indirect coercion proved to be a very successful mechanism for empowerment in the final stages of the accession process. Civil society actors succeeded in raising the Commission's awareness for implementation problems not only in the area of free access to information, but also regarding the importance of housing for Serbian minority returnees, and reparations for civilian war victims (see Vidačak and Škrabalo 2014: 174-175). Nonetheless, the imminent end of formal negotiation talks spelled out the closure of the 'Brussels route' as an indirect pathway to the strengthening of civil society actors at the domestic level.

One of the coalition's central advocacy aims therefore centred on pushing for a post-accession, internal monitoring mechanism as an effective means to guard against a backsliding of reforms once accession had taken place. Reluctant to suggest an actual delay in Croatia's EU membership, the coalition's final report prior to the closure of negotiations called instead for the establishment of

a formal independent monitoring mechanism in at least the first three years upon the closing of negotiations, throughout the ratification period and beyond. (Coalition for the monitoring of accession negotiations 2011a: 2).

However, the EU's common position upon the closure of negotiations makes no mention of the coalition's request to extend internal verification of compliance beyond Croatia's EU entry. On the contrary, the document concludes that

monitoring of progress in the alignment with and implementation of the acquis will continue throughout the negotiations and until Croatia's accession [i.e., and not beyond this date]. (European Union 2011: 21).

This effective disavowal of the coalition's key demand foreshadowed a strategic reorientation of the coalition's engagement and its eventual decline.

Renamed 'Platform 112' in allusion to the 112 requests it put to all political parties running for the legislative elections in December 2011, the coalition stepped up its advocacy efforts with regards to the introduction of an internal monitoring mechanism. Over the course of 2012, it presented its views not only through established channels with EU and member state officials in Zagreb and Brussels, but also during meetings with several high-level EU actors. These included the Vice President of the Commission, Maroš Šefčovič, and the European Parliament's Rapporteur for Croatia, Libor Rouček, as well as ministers and MPs from several EU member states (Vidačak and Škrabalo 2014: 174; interview with GONG, November 2012). In its shadow report on the Commission's comprehensive monitoring assessment of October 2012, Platform 112 submitted:

Whilst assigning 'homework' to the Croatian authorities by the EC and member-states is a very useful way of taking advantage of the current political momentum to speed-up some specific policy changes, the key challenge remains unresolved – how will the Croatian political system itself, autonomously from external pressures, ensure longevity of political will for sustained and thorough implementation of the reforms, particularly those related to the rule of law, viewed as the very backbone of the entire social and economic development? Hence, it is high time that the Croatian Government's focus be put on the establishment of a national (internal) institutional parliamentary mechanism for ensuring sustainability of reforms stemming out of the Chapter 23 (...) (Platform 112 2012b: 1-2).

However, whereas EU actors were initially interested in such a mechanism, they eventually distanced themselves from the proposal (interview with B.a.B.e. March 2014). The eventual rejection of the Platform's demand resulted both from the Croatian government's reluctance to see itself constrained by such a mechanism and by the Commission's and the member states' fear that its creation may be interpreted as signalling a failure on the part of Croatia to fully meet all membership requirements (interview with EU official, April 2014; Croatian academic; EU member state representative, both May 2014). This refusal to endorse civil society demands beyond the closure of accession talks signalled the difficulties Croatian CSOs would face in the post-accession phase and hinted at the temporal limits to their empowerment, in addition to the substantial ones raised in the previous section.

Shifting venues post-accession: declining mobilisation and relevance

The closure of accession negotiations in June 2011, much more so than Croatia's actual accession two years later, inaugurated a second decisive shift in the political opportunity structure under which domestic CSOs operated. In the words of one interviewee, the Commission began to "behave like a bad stepmother" (interview with YIHR, May 2014), turning its back on the very organisations it had previously contributed to strengthening. With the change in Croatia's membership status imminent, both EU and member state officials were keen to treat their political counterparts as equals, avoiding all-too-harsh criticism of remaining shortcomings (interviews with two member state representatives, both May 2014).

Platform 112 suffered significantly from the notable change in attitude of its former EU-level allies (interview with GONG, April 2014; Zagreb Pride, May 2014). For

instance, the head of the EU Delegation had readily met with several representatives of the coalition while the negotiations were still ongoing. However, the suggestion by a member state representative from a local Embassy to repeat such a meeting with the same CSOs just before final closure of negotiations was rejected on the grounds that the decision for entry made it pointless to listen to persistent critical voices (interview with EU member state representative, May 2014). According to an EU official based in Zagreb comparing his post-accession role to his previous engagement with civil society actors:

The situation is very, very different, our goal is now to inform citizens. We have no mandate whatsoever to deal with human rights violations, because Croatia is now a member of the club. Everything now goes directly through the representations in Brussels. (interview with EU Delegation, April 2014).

Thus, while the Commission continued to publish semi-annual monitoring reports on Croatia's readiness until three months before its entry, these were more of a formal exercise, and at no point was the previously fixed accession date called into question. Incentive for further reform was therefore minimal, as was the EU leverage that civil society empowerment had depended on so crucially.

The drop in political support that CSOs could build upon was accompanied by a reduction in available financial resources. Despite the ongoing provision of project grants by the EU, the gradual withdrawal of other international donors and the complicated transition from pre-accession to structural funds that frequently resulted in payment gaps has put at risk the very survival of some of the strongest organisations (interview with OSF Zagreb, April 2014; GONG, May 2014). While indirect coercion and accession-related framing had run their course as viable mechanisms for

empowerment, the domestic state of play did not allow for an effective use of persuasion as an alternative.

In light of the new structural environment, Croatian CSOs adapted their mobilisation strategy, shifting their advocacy focus from the EU to the domestic level. Platform 112 initially succeeded in having all parties running for elections respond to the 112 distinct requests. The demands covered judiciary reform, the quality of democracy and the protection of minorities and vulnerable groups, with over 90 per cent of them formally accepted (Platform 112 and prEUgovor meeting, 2 April 2014). The outcome of the elections initially seemed to favour ongoing civil society empowerment: breaking the eight-year domination of the only partially reformed HDZ that was in office during the violent struggle for independence in the 1990s, the Social Democratic Party (SDP) came to power. With the SDP traditionally much closer to the civil society sector's liberal-democratic agenda, the leaders of Platform 112 placed great hopes in the arrival of a government that they expected to be more sympathetic to their demands (interview with B.a.B.e., March 2014; Croatian academic, April 2014).

However, developments both at the political and the societal level turned out to be less positive than anticipated by the Platform. In April 2012, its members published an assessment of the government's first 112 days in office (Platform 112 2012a). While noting positive developments in 29 of the 112 requests initially outlined, the report also points to a number of remaining deficiencies related to the handling of war crimes and refugee return. The tone of the report illustrates a progressive shift in the framing of issues, with references to EU accession fewer. Instead, the focus lies on shortcomings with regards to domestic procedures of law-making, including the

overuse of the urgent legislative procedure, insufficient public consultations and the problematic regulation of national referenda (ibid.: 2, 4 and 6).

In addition, the report points to a broadening of the coalition's agenda beyond rule of law issues, with the addition of certain social issues not previously covered (such as the introduction of sexual education in schools, ibid.: 3). A local observer confirmed the expansion of the Platform's remit beyond chapter 23, highlighting its engagement with the government "but no longer with a Brussels element" (interview with international donor organisation, April 2014). This trend both in venue choice and in framing continues in the Platform's March 2013 report that targets "the Croatian Government and Parliament" directly with its requests regarding democracy, the rule of law and sustainable development (Platform 112 2013: 6).

Another consequence of the rapidity of change during the final stages of the accession process has been the conservative backlash among the broader population (Dolenec 2015), which is diametrically opposed to the liberal democratic agenda reform-minded CSOs sought to promote. This rise of intolerance triggered a further shift of the Platform's target from policy-makers to citizens (interview with OSF Zagreb, April 2014; GONG, May 2014). During the post-accession period, the Platform engaged in two major public campaigns, which both evolved around planned national referenda seeking to cut down on specific minority rights. One concerned the introduction of a constitutional ban on same-sex marriages, while the other related to the protection of the use of Cyrillic script in areas with a large Serbian minority. In both cases, the Platform sought to position itself as a promoter of tolerance of and liberal norms in

line with the 'European values' the country was thought to embrace by becoming an EU member (interviews with B.a.B.e., March 2014; GONG, April 2014).

Under the slogan *Građani glasaju protiv* ("Citizens vote against") 88 CSOs, among which the original Platform members, came together to advocate in favour of LGBT rights through a series of major public events, including a big concert on the main square in Zagreb. With the government very timid in its involvement, this new coalition initially sought to use the judicial route to strike down the referendum on procedural grounds. However, it was refused access to this instrument, with the constitutional court stating that only Members of Parliament could question the legality of legal initiatives in the court (interview with YIHR, May 2014). Support from the EU level was minimal. The European Commission refused to become involved, pointing out that the EU had no jurisdiction on issues that are not part of the *acquis*. Some MEPs publicly condemned the referendum (interview with YIHR, May 2014), though with little immediate impact.

Whereas the constitutional court eventually issued a release stating that the referendum result could not influence the adoption of a law on registered partnerships in the future, the referendum itself passed. In December 2013, a constitutional amendment defining marriage as a union of man and woman was adopted with 65.8 per cent of the votes. This willingness of the electorate to circumscribe the rights of same-sex couples signalled the Platform's and the wider coalition's failure to convince the general population of its agenda.

Mobilisation was more successful in the case of Serbian minority rights, for which the Platform became involved in a comprehensive campaign around the slogan *Svi mi za Hrvatsku svih nas* (“All of us for a Croatia for all of us”). The YIHR, while not a Platform member, supported this initiative and elaborated a substantial analysis of Croatia’s commitments under the accession process and various international conventions regarding the protection of minority languages (Youth Initiative for Human Rights 2013). Moreover, the ‘Svi Mi’ campaign collected signatures of citizens in view of requesting a constitutional court decision on the Cyrillic referendum, and transferred these to the government in December 2013 (interview with YIHR, May 2014). The Constitutional Court eventually decided to annul the holding of a referendum on the grounds that the proposed changes would undermine constitutionally guaranteed human rights (Milekić 2014). This successful campaign on the use of Cyrillic underlines the partially enduring relevance of framing that builds on Croatia’s obligations under EU membership. However, the Platform’s ability to convince the broader population of the need for extensive minority rights protection was not put to the test, given that the referendum itself was not actually held.

On the whole, despite the Platform’s ongoing activities, it has been struggling to find its place post-accession (interview with former government representative; GONG, both April 2014). Following the loss of the EU as its most powerful ally and the drop in available resources, it has become increasingly constrained in its choice of advocacy targets, shifting from political actors to the broader population in an attempt to find allies at the domestic level. Moreover, members have found it difficult to make time for Platform activities. This is also due to the much more tightly regulated reporting obligations under the new EU funding schemes which foresee time sheets with hourly

slots on activities carried out by staff (Platform 112 and prEUgovor meeting, 2 April 2014). One member regretted that “the coalition failed a bit” (interview with CMS, March 2014) in regards to its intention to keep up regular publications on reform progress. Another deplored that “unfortunately, we are all completely overwhelmed” (interview with GONG, May 2014), among others due to the Platform’s investment in the two referendum campaigns.

The latest Platform report, published in November 2014 almost two years after the previous one, is indicative of the decline of the movement. The tone is bitter, with the state of play assessed as a

long-term downward trajectory into the abyss (...) [where] the role of citizens and organised civil society is still being ignored, especially when politically sensitive issues are at stake (Platform 112 2014: 1).

Departing from previous practice, and expressing the degree of disillusionment with the performance of government actors, the report also makes no recommendations for improving the work of authorities, “since we believe it to be unrealistic to expect substantial reforms in the forthcoming election year” (ibid.: 1).

In sum, following the closure of accession negotiations, the only recently established triangle of EU-state-CSO actors was once again reduced to a dyad. Bilateral relations between EU actors and the soon-to-be new member state dominated the ratification period leading up to Croatia’s EU entry, whereas civil society actors were left on the margins of accession-related interactions. The evolution of Platform 112 illustrates how closely its empowerment was tied to EU leverage, with the coalition’s relevance declining rapidly once EU actors withdrew their support. Still, its experience has

served to shape mobilisation efforts in other countries of the region on the basis of lessons learned from the Croatian membership talks, as the following section outlines.

What remains? Lesson-sharing and regional leadership

Retrospective evaluations of civil society involvement in Croatia's EU accession process tend to converge in recognizing that opportunities to improve cooperation between civil society actors and domestic policy-makers were insufficiently exploited. Expressing a certain disillusionment, one long-term activist summed up: "I don't know what we succeeded in the end – to show the EU that we exist." Echoing the epithet, she added that "the most educated and qualified organisations survived, but the others didn't" (interview with former member of B.a.B.e., May 2014). At the government level, there was a realisation that earlier engagement with civil society actors may have been more productive. An official working on chapter 23 emphasised that

The best approach is to start working with NGOs from the beginning and not to neglect them. We ignored them at the beginning and later realised they were very powerful and a force. (interview with Croatian MFA, May 2014).

Others recognised the value of inclusion as a means to enhance transparency and to reduce the feeling that the government was hiding negotiations from the population (interview with Ministry of Justice, April, 2014). A former member of the Negotiation Secretariat regretted there had been:

no continuity in communication, no one really took the time to explain what is was about (...) There was no systematic approach, so NGOs did not understand their place. As a result, we lost on both sides: the government didn't have the good partners we could have had, and the NGOs didn't understand how they could use the process from early on. (interview with former member of Negotiation Secretariat, April 2014).

One concrete expression of lessons learned at the institutional level was the creation of a Centre for Excellence, an office located within the Ministry of Foreign and

European Affairs that specifically seeks to share Croatian expertise from the accession process and to provide technical assistance to neighbouring countries (interview with MFA, November 2014). Its Director, who herself has a background in the civil society sector, cooperates extensively with CSOs on a range of sectoral projects (interview with MFA, April 2014).

On the civil society side, it is precisely the impression that the late mobilisation of Croatian civil society actors fell short of what could have been achieved that has motivated leading activists to share their lessons learned with other countries from the region and to push for formal improvements in the accession process that will help civil society actors in current and future candidate countries. Interestingly, one expression of this effort has again been a more indirect approach through the 'Brussels route.' In a 2012 paper commissioned by the European Greens, with whom Platform 112 cooperated closely, GONG member Marina Škrabalo summarises the lessons learned from Croatia's EU accession process. The paper points to the absence of clear regulations on the transparency of the negotiations at the EU level as well as the speed of legislative adaptation as the most important elements precluding a more satisfactory involvement of civil society actors (Škrabalo 2012: 2 and 9). It was shared widely across the region and has informed discussions about necessary formal adjustments of the accession process to facilitate the involvement of civil society actors.

Following Croatia's EU accession, the same Marina Škrabalo also used her membership as a civil society representative in the European Economic and Social Committee (EESC) to have this EU-level advisory body publish an opinion on the need to strengthen CSOs in Serbia's EU accession process (European Economic and

Social Committee 2014). Explicitly referring to Croatia's experience as "a missed opportunity to strengthen social dialogue in the country in connection with its EU accession" (ibid.: point 4.4), it calls on the European Commission, the Council and the European Parliament to step up financial and political support to civil society actors in enlargement countries and to ensure the full disclosure of all key documents for accession negotiations (ibid: point 1.3).

The two instances highlight how Croatian civil society actors have continued to strategically use the EU in the post-accession phase, if no longer for their own benefit but instead for that of their counterparts in neighbouring countries. In addition to the efforts to push for inclusive membership negotiations through the EU level, several of the Platform's leading members have directly shared lessons learned with organisations from neighbouring countries. These exchanges and their outcomes will be discussed in more detail in the upcoming case study chapters.

Intermediary conclusion

The initial outcomes of civil society mobilisation in Croatia's EU accession process were surprisingly successful in light of CSOs' late awareness for new opportunities and the previous mitigated findings from the CEE countries. The joint action of a monitoring coalition resulted in considerable procedural empowerment, whereas the use of indirect coercion and accession-related framing allowed the coalition members to extend the EU's conditionality in chapter 23 on several occasions (see also Marović 2012: 4). The strategic framing of the coalition's demands and its direct engagement with EU-level actors were crucial to enhancing the coalition's credibility and allowing it to play a decisive role in the final months of the accession negotiations. Still, the

decline of the Platform during the ratification period and even more so post-accession demonstrates the limits of an empowerment strategy that is closely tied to EU leverage. The main lasting impact of the Croatian experience is therefore its model character for other countries in the region.

Conclusions

The empirical findings from Croatia indicate three separate periods of civil society mobilisation in the area of the rule of law. The initial years of the EU accession process were characterised by a general apathy of the civil society sector, with EU-related opportunities being created only progressively and awareness for new mobilisation venues slow to emerge. Towards the closure of the negotiations however, mobilisation picked up as a small number of prominent CSO leaders managed to gather a broad coalition of organisations that jointly sought to feed into the ongoing membership talks. The coalition devised a rather effective strategy of shadow reports complementing the European Commission's own assessments and succeeded in uploading several of their requests into the EU's accession conditionality. Following the closure of accession talks however, EU interest in critical civil society input waned, and the monitoring coalition shifted its mobilisation focus towards domestic actors in light of declining EU leverage. Eventually, a combination of disillusionment with the lack of government responsiveness and post-accession financial difficulties led to a decline of the movement.

On the whole, it thus appears that civil society empowerment in Croatia has come full circle. First, due to their late mobilisation, CSOs struggled to go much beyond a reproduction of EU pressures from the bottom up. Given their failure to recognised

EU-related opportunities earlier, this strategy was the most rational approach given the short window of opportunity until the closure of negotiations. However, it found its natural end with the withdrawal of the EU as a crucial ally for civil society demands.

Second, the overreliance on the ‘Brussels route’ failed to durably improve the domestic standing of CSOs and undermined their ability to convince elite allies at the national level to carry their positions into the policy process once membership talks had been concluded. This overreliance expressed itself not just in terms of substantial advocacy efforts – here, the EU indeed was the more likely ally and the ‘Brussels route’ thus the more rational, effective choice – but also when it came to pushing for domestic forms of access. Once the EU had failed to endorse the internal monitoring mechanism proposed by Platform 112, organisations were left with no formal framework through which to engage during the post-accession phase. In light of domestic elites that were less receptive to their claims than initially expected, attempts by Platform 112 to pressure the new government into completing outstanding reforms once membership talks had been concluded largely failed. Attempts to re-engage with citizens were thwarted by the rise of social conservatism following Croatia’s EU entry and due to CSOs’ low levels of interaction with the domestic public during the pre-accession period. In the absence of close ties with the broader population and a strong public opinion in support for their demands, the Platform could build no credible pressure via the ‘national route’ and its empowerment gradually unravelled following the effective closure of the ‘Brussels route.’

Chapter 7: Montenegro⁷

“The government will do nothing that is not explicitly mentioned in the progress report.”

Montenegrin activist, 7 October 2014

“Relations between CSOs and the government have been overly adversarial on occasion, especially on issues concerning the political situation, rule of law and fundamental rights.”

European Commission, Montenegro Progress Report, 8 October 2014

Montenegro is the most advanced country in terms of membership negotiations among the current round of (potential) candidates. It was granted candidate status in December 2010 and formally opened accession talks in June 2012. At fewer than 700.000 inhabitants, it is also the smallest state engaged in the accession talks. This has implications not just for its geopolitical significance, but also for the administrative capacities of the state apparatus. Among others owing to this lack of human resources involved in the enlargement process at the state level, civil society actors have been afforded unusually extensive access to the negotiation structures in an aim to draw upon the expertise present in society at large. Civil society actors have used this situation to achieve a significant degree of procedural empowerment through a form of hybrid mobilisation, combining input through official channels and extra-institutional mobilisation. However, as the receptiveness of domestic policy-makers declines and concerns about funding have threatened the sustainability of certain

⁷ Parts of this chapter are derived from an article titled “Beyond instrumentalisation: NGO monitoring coalitions in Croatia, Montenegro, and Serbia” published in *East European Politics*, 31:4, pp. 452-467, available online <http://www.tandfonline.com/doi/full/10.1080/21599165.2015.1085859>.

mobilisation formats, organisations have struggled to see their substantial concerns translated into policy outcomes.

The following sections address the three stages of the differential empowerment process in turn. The first section provides an overview over the political opportunity structure in place, detailing the exceptionally high level of formal involvement of civil society actors both in general policy-making processes at the domestic level and when it comes to the official negotiation structure. The second section outlines evolving mobilisation choices, pointing to the combined use of institutionalised and non-formal engagement and the frequent shifts between different venues both at the EU and the domestic levels. The third section tackles mobilisation outcomes. It provides a detailed case study of the successful framing of demands for civil society participation within the broader package of rule of law reforms. Moreover, it discusses the more mitigated results when it comes to the substantial empowerment of civil society actors at the domestic level and the sustainability of their involvement.

Political opportunity structure

The civil society sector in Montenegro is rather well-developed given the size of the country. As of April 2015, the Ministry of Interior's registry of non-governmental organisations contained 3.589 registered organisations (Ministry of Interior of Montenegro 2015). While the large majority of these are small and poorly equipped, a number of highly professional organisations located in the capital operate in the areas of anti-corruption, state administration, and human rights (Novaković 2015: 15). Most of the leading organisations were established in the early 2000s by long-standing activists who gathered a group of often young and well-educated collaborators to carry

out the organisation's mission through project work (interview with Law Faculty, October 2014). This portion of CSOs is almost exclusively funded by international donors, a fact which some consider to have contributed to an artificial inflation of the sector (interview with EU official, March 2014). Organisations are often narrowly specialised and defend their niche against others seeking to work on similar topics. Despite instances of cooperation and coalition-building, competition within the sector is often fierce in light of the progressive withdrawal of many major funders (interview with CRNVO; Institut Alternative (IA); two EU officials, all four October 2014).

When it comes to the structural conditions under which these organisations operate, Montenegro is the first accession country to be subject to the Commission's 'new approach' (European Commission 2011e). In fact, the 'frontloading' of the accession process was in part introduced precisely to convince member states to open negotiations with Montenegro, a country notorious for organised crime and corruption (interview with EU official, April 2015). This section delves deeper into the different dimensions of the evolving political opportunity structure in which Montenegrin civil society actors operate. It addresses the specific implication of the EU in supporting CSOs on the ground, details the institutional and legal framework in place at the domestic level, and outlines the set-up of the negotiation structure as a key determinant of CSOs' degree of formal access to the accession talks.

EU political and financial support

In the face of the increasing withdrawal of international and bilateral donors and the still fledgling emergence of a system of public funding for CSO activities at the state level, EU funds have played a crucial role in supporting the operation of Montenegrin

CSOs. Between 2007 and 2014, a total of €5.86 million was disbursed through IPA funds to Montenegrin CSOs, with more than 100 organisations benefiting from support through the CSF during this period (website of EU Delegation in Montenegro). Given the low availability and the lack of transparency in the provision of public funding and the increasing withdrawal of other international donors, EU grants are a crucial source of funding especially for the larger organisations involved in policy-oriented activities. According to one activist, “without financial support from the EU, it would be impossible for us to work in Montenegro” (interview with Centre for Monitoring and Research (CeMI), October 2014).

At the political level, the absence of shared standards for civil society involvement among EU member states has generally made EU actors shy away from becoming too closely involved in the definition of mechanisms for participation at the domestic level. Instead, the EU Delegation in Podgorica seeks to lead by example, holding regular thematic consultations and arranging for meetings between CSOs and EU actors from Brussels who are in the country for official visits (interview with EU official, October 2014). Moreover, the gradual formalisation of EU-level consultations with civil society actors offered these an additional venue mobilisation that allowed them to supplement their mobilisation at the domestic level with support from Brussels.

However, the significance of the civil society sector in Montenegro – often hailed as the ‘true opposition’ in light of the absence of democratic alteration in over two decades – has made the EU’s approach more explicit when it comes to calling for an improved involvement of civil society actors. Thus, the importance of “strengthening cooperation with civil society” was included among the seven key priorities put

forward by the European Commission for the opening of membership negotiations (European Commission 2010d: 11). This formal emphasis provided an important back-up to domestic advocacy efforts geared towards improving consultation procedures in general and pushing for a greater involvement of civil society actors in the accession negotiations.

The accompanying analytical report pointed to the “significant public and political role” of certain CSOs, but also criticised that “in some cases the most critical NGOs have been exposed to political and administrative pressure” (European Commission 2010c). In its resolution on the Commission’s 2010 opinion, the European Parliament “calls for its [civil society’s] role in the progress of EU integration to be strengthened” (European Parliament 2011: 5) and uses even clearer language to condemn government reprisals against civil society actors by

“urg[ing] state authorities to refrain from pressuring those non-governmental and non-profit organisations and civil society actors in general which investigate corruption and organised crime cases and perform a watchdog role.” (ibid.: 3).

Much of the progress when it comes to the legal and institutional provisions on civil society inclusion at the domestic level is therefore thanks to explicit EU support, as the following section details.

Domestic institutional and legal framework

Following the combined pressure from the EU level and domestic advocacy efforts by CSOs, the government in December 2011 and February 2012 adopted two important decrees detailing its obligation to cooperate with CSOs and spelling out the required consultation procedures for adopting all new laws, by-laws, and strategic documents. Based on the Code of Good Practice for Civil Participation developed by the Council

of Europe in June 2008, the ‘Decree on the Manner of and Procedure for establishing Cooperation between State Administration Bodies and NGOs’ and the ‘Decree on the Manner of and Procedure for Conducting Public Consultation in law-making’ regulate the main forms of cooperation between the public and civil sectors. Yet, the annual reports published by CRNVO on civil society actors’ participation in working bodies suggest a relatively low compliance of state bodies in inviting CSOs to provide input on draft laws. In 2014, out of 73 draft laws that foresaw the involvement of interested parties, consultations were held for only 16 of them, with 57 laws adopted without consulting the wider public about the proposed solution (CRNVO 2015: 8).

Further formal commitments for civil society involvement are contained in the two ‘Strategies for the Development of CSOs,’ spanning the periods of 2009-11 and 2014-16 (the former strategy was initially delayed in its implementation, resulting in an effective temporal overlap of the two). The development of the 2014-16 strategy was very participatory, with two civil society representatives partaking in the working group drafting it, and three public consultations held afterwards (Novaković 2015: 18). The Council for Development of Non-Governmental Organisations, established in September 2014 and composed of an equal number of members from state bodies and from the civil society sector, is tasked with monitoring the implementation of the Strategy. Moreover, it provides input on other legislation related to the creation of an enabling environment for CSOs. However, feedback on civil society actors’ input has been judged to be insufficient (joint interview with IA and Centre for Civic Education (CCE), October 2014), and a recent op-ed published by the President of the leading think tank IA accuses the government members of the Council of actively obstructing access of its civil society members to draft legislation and thus preventing their

effective oversight over new laws related to the operation of the civil society sector (Muk 2016).

Specific persons acting as focal points for cooperation with civil society actors were appointed inside ministries and other state administrative bodies as of 2007. Their purpose is to enable direct communication between civil society actors and relevant ministries (Novaković 2015: 17). The same year, a Government Office dedicated to the cooperation with NGOs (hereafter ‘NGO Office’) was established under the General Secretariat following advocacy efforts from the civil society sector (interview with NGO Office, October 2014). In practice however, the focal points’ multiple additional tasks reduce the time they can devote to interactions with civil society actors (interview with government official, October 2014). The NGO Office similarly suffers from a significant lack of human resources (Civil Rights Defenders 2014). Moreover, it is largely perceived as merely backing up initiatives launched by the umbrella organisation CRNVO (interview with EU official; IA and CCE, both October 2014).

Despite the well-developed formal framework and some improvements since the early 2000s, the work of CSOs is severely hampered by a lack of political will at the state level to engage with civil society actors, and a traditionally tense political climate governing state-civil society relations (interview with IA; TACSO; Montenegrin Parliament official, all three October 2014; Novaković 2015: 17). Institutionalisation has therefore remained restricted to formal openness, illustrating the difficulties of fostering a corresponding responsiveness of policy-makers that would ensure effective domestic access for civil society actors. The situation is compounded by the frequent direct attacks launched against CSOs and their representatives in tabloid media

considered to be under government control (see Civil Rights Defenders 2014). This problem has been recognised at the EU level, with the European Commission highlighting that “some civil society activists have been targeted at a personal level by local media” (European Commission 2014b: 10).

On the whole, while boasting a rather progressive legal and institutional framework for the involvement of civil society actors, the political climate in Montenegro is often detrimental to their effective empowerment. As highlighted in the epithet, state-civil society relations remain fraught with tensions that preclude a more fruitful cooperation between the two sets of actors. Several interviewees from CSOs deplored the prevalence of a legalistic approach, with a CRNVO representative claiming that “we really needed procedures to force the government bodies to involve NGOs” (interview with CRNVO, October 2014). Since formal improvements largely came in response to external pressure and support (interview with HRA, October 2014), the limited political will at the domestic level has resulted in delays and gaps in their implementation (Novaković 2015: 16).

Set-up of the accession process

Mirroring the advanced formal involvement of civil society actors at the domestic level, provisions for their involvement in the EU membership negotiations are similarly extensive. The government’s ‘Decision Establishing the Negotiating Structure for the Accession of Montenegro to the EU,’ adopted in February 2012, foresees the inclusion of ‘subject field experts’ in the working groups dealing with the different negotiation chapters, thus establishing the legal grounds for the participation of civil society actors (Government of Montenegro 2012a). Of the 1.300 persons

involved in the accession negotiations overall, around 30 per cent come from the civil society sector in the broadest sense (interview with Ministry of Foreign Affairs and European Integration (MFAEI), October 2014). Of this number, 49 representatives come from CSOs, following an application process in which they were asked to justify their organisation's and their individual expertise in the subject matter (personal communication with IA, June 2016).

This formal participation of CSO members in the accession negotiations is unique to Montenegro, and came as a surprise to Brussels actors (interview with state official, October 2014; EU official, April 2015). It resulted from wide consultations held by the Montenegrin Chief Negotiator who eventually concluded that the full membership of CSO representatives in the working groups was the most promising solution (interview with MFAEI, October 2014; Croatian MFA, April 2014). For civil society actors themselves, membership in the negotiating working groups offered the possibility to go beyond the monitoring of government actions by providing a formal channel for direct input into the ongoing accession negotiations (interview with CRNVO, October 2014). In the case of chapter 23, five CSO representatives were eventually included in the government-level working group, with one each from CRNVO, IA, CCE, a small local organisation from Rožaje and the association of judges (interview with CRNVO, October 2014). In spite of certain inequalities between state and CSO members regarding their participation in Brussels meetings and the ease of access to government documents, early evaluations of the participatory model were generally positive (Bobić and Božić 2012; Marović 2012).

However, recent years have seen mounting criticism regarding the lack of effective involvement of civil society actors in the working groups, particularly in the case of chapter 23. Complaints have concerned the closure of certain subgroups of the Action Plan to CSO members as well as constraints regarding their access to data on government actions that would be required for an effective monitoring of the implementation of commitments (interview with IA, April 2015). Most importantly, the oversight over the negotiation process in chapters 23 and 24 has been entrusted to a new body, the Rule of Law Council, established in June 2014. This measure has effectively short-circuited the deliberations of the actual working group, the CSO members of which were not granted access to the Rule of Law Council. These developments have cast doubt on the transparency of the negotiation process as a whole (see Marović and Muk 2015: 2). Increased tensions in state-civil society cooperation have thus undermined the prospect that fruitful cooperation during the negotiation process may contribute to a more constructive overall relationship.

Intermediary conclusion

On paper, the political opportunity structure in Montenegro is largely favourable when it comes to the formal operation and participation of civil society actors both in the general policy-making process and in the framework of EU membership negotiations. However, the political will for an effective inclusion of CSOs in political deliberations has been less consistent, and relations between the state and civil society have traditionally been tense. The EU's support for a strengthening of cooperation with civil society actors has been both explicit and recurrent, resulting in extensive formal commitments by the government, though with a questionable likelihood of successful implementation. When it comes to CSO capacities, the influx of EU funding has

favoured the professionalisation of the sector, if with a strong bias towards large, Podgorica-based organisations. On the whole, shifting opportunities have therefore contributed to a structural environment that is progressive in formal terms, but overcast by an increasingly hostile political atmosphere when it comes to state-CSO relations. The following section analyses how this structural context has reflected upon the mobilisation choices of civil society actors.

Mobilisation strategies: in, out, and often both

What stands out about the Montenegrin case as a general feature is the largely hybrid character of mobilisation. Many organisations exploit both formal channels of participation and extra-institutional formats as a matter of strategic choice to use all options available. Tracing mobilisation choices throughout the early years of the accession process, the following sections outline the broad tendencies within the sector, while highlighting certain specific choices made by individual organisations. The dominance of hybrid mobilisation is addressed more in-depth in the first section that describes an expansion rather than a moderation of civil society repertoires. The second section discusses dynamics of learning and diffusion. It analyses the creation of a monitoring coalition based on the Croatian example and the introduction of a ‘National Convention on European Integration’ (NCEI) inspired by the experience of Slovakia. The final section tackles venue shopping and the introduction of specific mobilisation outputs targeting the EU level as a natural ally for reform.

Hybrid mobilisation: a (more than) dual domestic strategy

The degree of institutionalised cooperation between state actors and social movements is thought to vary with the extent of formal openness, operationalised as institutional

access, and the receptivity of political actors to external demands that relates to the prevalent political culture (see Hilson 2002: 242; Princen and Kerremans 2008: 1131). In the case of Montenegro, it is the perceived contrast between the two dimensions that explains the widespread decision of civil society actors to mobilise through institutional channels and to engage in extra-institutional forms of contention in parallel.

A large number of organisations has taken up the possibility of formally participating in government-level working groups, both in the specific context of the accession negotiations and when it comes to the drafting of new laws. At the same time, the vast majority of organisations maintain activities that are more confrontational in nature and involve mobilisation formats outside the established access routes offered by the state level. Finally, the NCEI represents a semi-institutional form of engagement through participation in multi-stakeholder working groups connected to specific government departments and which present their recommendations to the National Parliament.

Interestingly, extra-institutional mobilisation emerged not as a consequence of initial disappointment with formal participation, but instead was established almost simultaneously. As early as June 2012, just three months after the official formation of the negotiating working group for chapter 23 (Government of Montenegro 2012b), a report by IA on civil society involvement in the accession process emphasised that formal participation of CSO representatives in the working groups was “only one, smaller segment of their participation in negotiations,” with “‘external’ contributions (...) [in the form of] impartial evaluation of the implementation” of government plans

a crucial addition to official engagement (Marović 2012: 6). A coalition of 16 CSOs dedicated to monitoring the progress of accession negotiations in chapter 23 was created one month later. Six of the coalition members simultaneously took part in the government-level negotiating working groups, two of which (CRNVO and IA) in the group on chapter 23. Moreover, all coalition members participated in the general working groups concerned with legal drafts, and a large number participated in one of the NCEI working groups (for a precise overview, see figure 8 below).

Interviewees explicitly presented critical and cooperative approaches as complementary strategies (interview with European Movement in Montenegro (EMiM), February 2016), with different channels serving different purposes. Membership in a working group for instance was seen as the only way to influence the formulation of the government's Action Plans on a negotiation chapter, with external monitoring activities restricted to commenting on a completed draft (interview with CRNVO, October 2014). Moreover, access to the working group has been considered as an advocacy channel for policy proposals and the ensuing evaluation of government's compliance with adopted changes, thus becoming "a monitoring mission inside the negotiation structure" (interview with CeMI, October 2014). Finally, participation in official structures is perceived as a means to gain an internal perspective on the negotiation process and to strategically improve one's organisation's capacities to match perceived gaps and needs of official actors (Novaković 2015: 21).

Nonetheless, some organisations reject the simultaneous use of all available channels for input. In the case of CCE, formal participation in the working group was seen as

an impediment to membership in an extra-institutional coalition dealing with the same topics (interview with CCE, October 2014). Despite being invited to join the monitoring coalition, CCE it did not accept the offer due to previous negative experiences in joint mobilisation formats (interview with CRNVO, October 2014). Still, the representatives of CCE, IA and CRNVO inside the working group for chapter 23 cooperate closely and “are like one” (interview with CRNVO, October 2014).

Cedem, one of the oldest organisations in Montenegro that was founded by members of the Law Faculty, chose the opposite approach to CCE. Despite being traditionally perceived as close to the government (interview with Law Faculty, October 2014), it decided to remain outside the official working group in order not to undermine its independent work in proposing recommendations (interview with Cedem, October 2014). The organisation instead joined the monitoring coalition, where its representative covers human rights issues and has not taken issue with the fact that “participating in the coalition means you are opposing the government” (interview with CRNVO, October 2014).

The Network for the affirmation of the non-governmental sector (MANS), a prominent organisation in the fight against corruption and well-known for its confrontational tactics, decided to remain outside both the negotiating working group and the monitoring coalition. While MANS agrees to co-sign some of the coalition’s joint statements, it insists that its disagreement with specific elements be explicitly highlighted (interview with HRA, October 2014). In general, MANS considers the coalition’s approach to be overly broad and superficial (interview with MANS, October 2014). As concerns participation in the working group for chapter 23, MANS

decided against membership due to the difficulty of combining such formal participation with external criticism. Besides, a MANS interviewee pointed to the more discrete nature of the working group's interactions that brings low media coverage and "no meat and conflicts," both of which correspond more closely to MANS' traditional repertoire (interview with MANS, October 2014).

Following the rejection of its nominee for the working group on chapter 23 (personal communication with IA, June 2016), the Centre for Democratic Transition (CDT) has similarly remained outside the two main formats for mobilisation. At a general level, its representative declared an organisational preference for individual over collective engagement (interviews with CDT, November 2013 and May 2016). The figure below illustrates the prominence of hybrid, multiple-channel mobilisation patterns among the strongest CSOs at the national level.

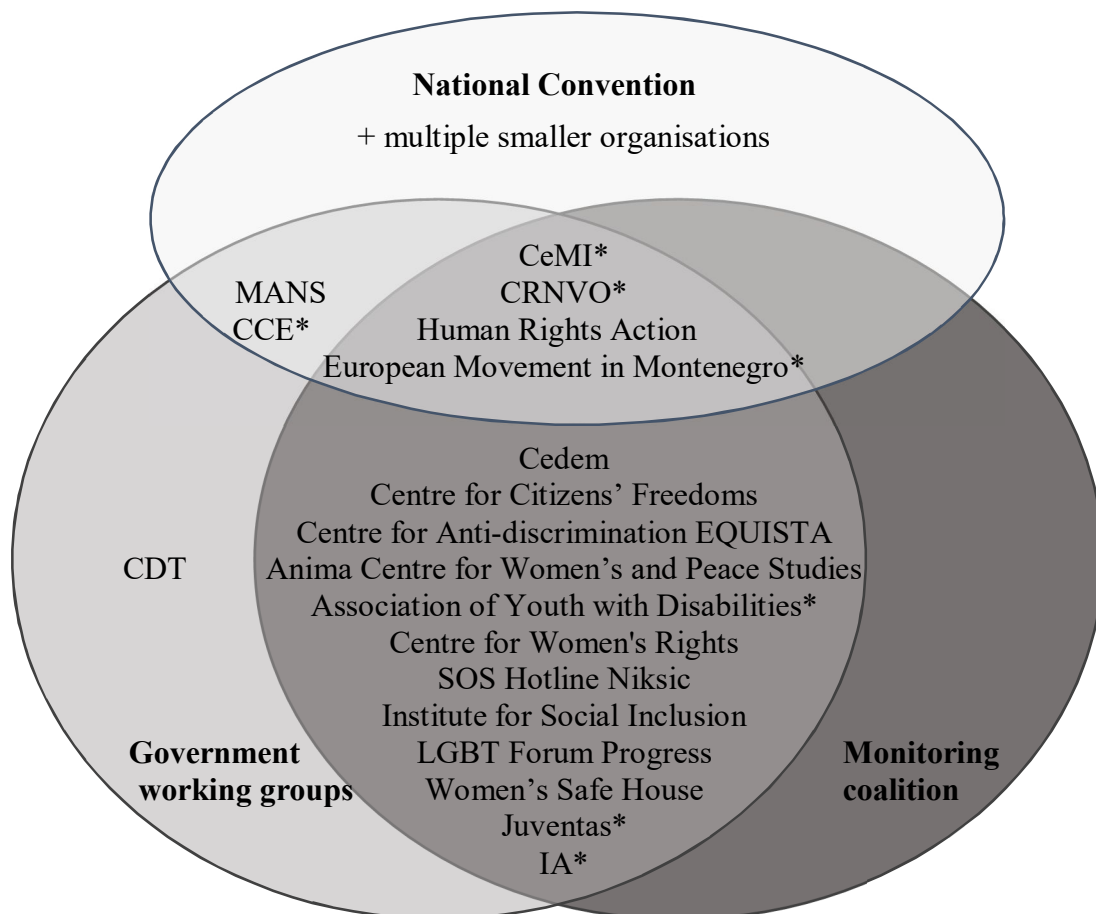


Figure 8. Overview of mobilisation strategies.

An asterisk indicates membership in negotiating working groups on acquis chapters, in addition to participation in working groups concerned with specific laws.

Besides signalling a rational strategy of maximizing chances for impact on the part of civil society actors, the persistence of extra-institutional mobilisation alongside formal participation is also an indicator of the failure of EU pressures to foster less tense and more institutionalised interactions between state and civil society actors. This is all the more striking given that in addition to its insistence on improved relations towards the government, the European Commission also explicitly advised CSOs themselves to moderate contentious repertoires and privilege official channels for participation.

The 2014 progress report emphasised that despite CSOs playing “a crucial role” in the areas of rule of law and fundamental rights, their function was “distinct from that of

political parties” (European Commission 2014b: 10). In an interview for the CCE newsletter, the head of the EU Delegation in Podgorica, Mitja Drobnič, reiterated this point (Centre for Civic Education 2015: 8). According to a source from the EU Delegation in Podgorica, Montenegrin CSOs tend to “sometimes overestimate themselves and their role” (interview with EU Delegation, October 2014). A Brussels official explained their exaggerated sense of entitlement by CSOs’ widespread perception as “the real opposition” (interview with DG Enlargement, March 2014). In the case of MANS, whose attitude towards the government is at times openly hostile, the EU Delegation in Montenegro directly advised the organisation to “maybe soften its approach a little bit” (interview with EU official, October 2014). In spite of these efforts on the EU’s side, strategic usages of new EU-related opportunities overall suggest an expansion, rather than a moderation, of civil society repertoires.

Diffusion and learning: emulating mobilisation formats

When it comes to defining their precise mobilisation formats, Montenegrin organisations have benefited from the knowledge of neighbouring countries, whose experiences with civil society involvement in accession negotiations have served as an inspiration for the development of their own mobilisation strategies. Two instances of diffusion and emulation stand out in particular: first, the extra-institutional mobilisation of the Croatian monitoring coalition for chapter 23, and second, the Slovak national convention that brought together both institutional and civil society actors in a joint format. Both models were introduced initially as the result of direct diffusion through the active involvement of Croatian and Slovak organisations, but have been adapted to the specific domestic circumstances in Montenegro. The following sections discuss each of them in turn.

From ad hoc to rulebook: monitoring coalition for chapter 23

The trigger for the creation of the Montenegrin ‘Coalition for Monitoring the Accession Negotiations with the European Union – chapter 23’ (hereafter ‘monitoring coalition’ or just ‘coalition’) was a joint project conducted by CRNVO and Platform 112. Disappointed by the limited effects of their late mobilisation, the Platform members were eager to share their experiences with their Montenegrin counterparts and to advise them on the key elements of early and effective involvement in the accession process (interview with CMS, March 2014).

An initial three-day workshop led by CMS and GONG representatives was held in Zagreb in May 2012, almost two months before the official opening of Montenegrin membership talks (joint interview with IA and CCE, October 2014). Funding was provided by the Croatian National Foundation for Civil Society Development, with follow-up meetings and trainings supported through Montenegrin lottery funds (interview with CRNVO, October 2014). Platform members provided insight on the substantial contents of chapter 23, its monitoring and reporting methodology, and core elements of an effective communication strategy (Novaković 2015: 19; interview with CMS, May 2014). Moreover, Montenegrin coalition members got the opportunity to exchange with key interlocutors from the Croatian civil society and public sector, as well as with representatives of the EU Delegation in Zagreb (interview with IA, October 2014).

Given that a broad coalition pushing for general improvements in the civil society sector already existed at the national level in Montenegro (named *Koalicija za saradnju do cilja* or ‘Coalition for Cooperation towards the Goal’), a narrower, more

structured model of cooperation was preferred for civil society involvement in chapter 23 (interview with CRNVO, October 2014). Eager to formalise their agreement, the members of the monitoring coalition adopted a joint rulebook setting out its internal organisation, decision-making procedures, and membership obligations (interview with CRNVO, October 2014).⁸

Whereas CRNVO played an important coordinating role and invited the initial round of organisations to join, the coalition has since functioned on the basis of consensus, including when it came to admitting additional members (with one new member added so far and one application rejected) (interview with Cedem, October 2014). Besides its more stringent organisation, another key difference in the operation of the monitoring coalition compared to Platform 112 and its predecessor was the fact that members received an honorarium for their input. Both elements signal an adaptation of the Croatian ad hoc model to the traditions and circumstances of the Montenegrin civil society sector.

The central goal of the Montenegrin coalition was to bundle the monitoring activities of the most prominent organisations in the country in order to “provide more systematic, comprehensive and quality monitoring of negotiations in the framework of the Chapter 23” (Marović 2012: 6). Each member organisation is specialised in a specific field, allowing the coalition together to cover the entire chapter 23 (joint interview with IA and CCE, October 2014). The drafting of monitoring reports is clearly regulated, with four separate working groups elaborating input for the four different sub-areas of chapter 23, namely judiciary, the fight against corruption, the

⁸ The rulebook has been seen by the author. Due to its internal nature however, no direct quotes can be provided.

protection of human rights, and civil society development. Each working group has a coordinator, or editor-in-chief, and several co-editors that are in charge of collecting input on their respective area and drafting the corresponding section of the overall monitoring report. The final report is circulated to all members for approval and then published as a joint product by the coalition (interview with Cedem, October 2014).

Given the varying expertise of the different coalition members and the strong emphasis on the accuracy of input provided, one representative considered that “the biggest challenge was to ensure we all speak with one voice,” with at times diverging opinions as to the trade-off between strong claims and the need for evidence-based arguments (interview with Cedem, October 2014). Similar to the Croatian dynamic, the main work of the of the Montenegrin coalition was driven by a core team, comprising three members of CRNVO and the coordinators for the four subchapters coming from Cedem, HRA, IA, and CeMI (interview with Cedem, October 2014). While the degree of involvement of individual members varied significantly, the signal function towards the European Commission of civil society actors coming together in a joint endeavour was considered important by those members that shouldered more of the burden (interview with HRA, October 2014).

A central feature of the Montenegrin coalition is the fact that its close cooperation with Croatian counterparts allowed its members to position themselves strategically even before the formal opening of negotiations. This need for early mobilisation and a joining of forces in order to strengthen the voice of domestic CSOs towards EU-level actors was one of the key lessons learned taken from the Croatian experience (Marović 2012: 3). Moreover, the Platform members shared their methodology of shadow

reports and emphasised the importance of regular, structured interactions with EU-level actors, including references to benchmarks and the possibility of advocating their extension in certain areas (interview with Documenta, May 2014). They also pointed out likely ‘hot spots’ in chapter 23, which Montenegrin organisations took on board in the formulation of their own recommendations (interview with CRNVO, October 2014). In the words of one of the coalition members, strategic extra-institutional mobilisation became possible in Montenegro “not because we are smarter, but because we built on their [the Croatian organisations’] experience” (interview with IA, October 2014).

Diffusion and learning, mediated by domestic adaptation, thus strongly shaped mobilisation choices in Montenegro. This was the case not only for the monitoring coalition, but also with regards to the semi-institutional approach of the NCEI that is discussed in the following section.

Semi-institutional mobilisation: National Convention for European integration

The creation of NCEI builds on a previous experience of civil society involvement in Slovakia in the early years of Bratislava’s EU membership. The original convention model consisted of an institutionalized forum uniting government, parliament, non-governmental and business actors to debate and adopt specific recommendations feeding into national positions on EU-related issues. It was implemented by the Slovak Foreign Policy Association (SFPA) between 2004 and 2006 and judged highly successful, with around 80 per cent of recommendations eventually introduced into adopted legislation (interview with SFPA, September 2015). Estimated to be a potentially useful format already during the accession negotiations, the development

agency SlovakAid provided funds for the SFPA to export the model to five accession and neighbourhood countries – Montenegro, Serbia, Ukraine, Moldova, and Georgia – as a form of development assistance.

In Montenegro, the SFPA launched the first phase of the project jointly with EMiM as its local partner in late 2011. Financial constraints limited the scope of activity, leading the initial project phase to focus only on the most difficult areas of the acquis (interview with SFPA, September 2015). The 2011 NCEI cycle consisted of four working groups, one of which was dedicated to the rule of law. Unlike the set-up in Slovakia, where the convention had been located inside the office of the government, the Montenegrin were spread over different government departments and closely cooperated with the national parliament. The emphasis of the NCEI lies not merely on strengthening the role of civil society actors, but on creating synergies between all social forces and institutionalising exchanges between the civil and the public sectors in Montenegro with regards to EU issues (National Convention on European Integration of Montenegro 2012).

Thanks to co-funding from the EU Delegation in Podgorica, a second project phase was conducted between September 2013 and March 2015, this time comprising six working groups, one of which was concerned with judiciary and fundamental rights. An internal evaluation report suggested that over 30 per cent of the recommendations adopted during the first two sessions of the working groups were eventually adopted at the state level, and almost 50 per cent if only those that can be implemented in the short- and mid-term are taken into account (National Convention on European Integration of Montenegro 2014: 47). Still, despite this evaluation suggesting a high

effectiveness of this mechanism, the NCEI in Montenegro never gained the degree of visibility and recognition that was achieved by the corresponding model in Serbia (see Chapter 8). Tellingly, CSO interviewees from organisations other than EMiM brought up this channel only when prompted.

One explanation for the comparative disinterest in this semi-institutional mobilisation format is the existing degree of formal access to government-level working groups. As a result, the Montenegrin NCEI has been widely considered a secondary mobilisation channel, with most CSOs preferring to focus their institutional involvement on participation through government-level working groups. Where this direct access proved ineffective, the monitoring coalition as an extra-institutional channel allowed for unmediated input by civil society actors. As an attempt to merge these two forms of mobilisation, the NCEI has been met with a certain level of scepticism by the majority of Montenegrin CSOs.

Venue shopping and targeted input: monitoring and shadow reports

The early mobilisation of Montenegrin civil society actors and their deliberate use of multiple formats have allowed them to position themselves strategically from the initial stages of the membership negotiations. The Commission's 'new approach' additionally provided a helpful focus on rule of law issues from the outset, further enhancing the relevance of organisations' input and allowing them to target their input on the basis of concrete reference points. Mirroring the hybrid mobilisation when it comes to the extent of the domestic institutionalisation of exchanges, an analysis of venue choice shows similar shifts and a frequent parallel targeting of the EU and the

national level. This is true both for the involvement of the monitoring coalition and for organisations' individual approaches.

In the case of the coalition's semi-annual 'situation reports,' the overlap between the reporting period and the issues included on the Commission's own annual assessments indicate a clear desire to provide independent information from the ground to feed into the EU's evaluations (see Novaković 2015: 20). Moreover, a particular segment of the reports is explicitly dedicated to recommendations addressed to the European Commission. These concern the need for transparency of negotiations and an insistence on full implementation of adopted measures, as well as specific recommendations regarding institutional and legal changes to be asked of the Montenegrin government.

For instance, the May 2013 report calls on the Commission to strengthen its approach by going beyond merely pointing to shortcomings in its progress reports and "to propose solutions for improving the situation based on the conducted consultations with NGOs and the government" (Coalition for Monitoring the Accession Negotiations with the European Union - chapter 23 2013: 37). The same report also demands the active involvement of civil society actors in defining the closing benchmarks for chapter 23 (ibid.). The collective format of the monitoring coalition was important in its dealings with the Commission, as was its ability to provide input in a format and language recognizable to EU officials (interview with Cedem, October 2014).

Thanks to the insistence of their Croatian counterparts and the formalisation of the EU-level consultation process, Montenegrin organisations were also quick to realise the potential of feeding into the EU's annual reporting cycle on an individual basis. One interviewee explicitly referred to the progress report as a "channel for advocacy" (interview with CeMI, October 2014). Other organisations consciously used the previous report as a baseline to provide regular feedback on recent developments, interacting with the EU Delegation "almost on a weekly basis" (interview with HRA, October 2014). Moreover, upon Croatian advice Montenegrin civil society actors have sought to broaden the range of EU actors they engage with. Specific targets include MEPs (interview with CRNVO; MANS, both October 2014) and the local member state Embassies (interview with Cedem, October 2014). Given the difficult relationship between critical CSOs and the government, one coalition member emphasised that "from Day one we focused on international players," with the European Commission growing in importance and having become more specific in its criticisms since the opening of accession negotiations (interview with HRA, October 2014).

Despite the demonstrated effectiveness of EU-based mobilisation, the strong emphasis on the importance of EU leverage is suggestive of the same overreliance that thwarted the sustainable empowerment of Croatian civil society actors. There is a shared sense that the government "doesn't really pay much attention unless the recommendations are corroborated by the European Commission" (interview with HRA, October 2014) and that "without the EU and foreign embassies, the ability of Montenegrin NGOs to influence the situation would be much lower" (interview with former CRNVO,

October 2014). Still, the coalition has also shown a willingness to engage directly at the domestic level to complement its efforts via the ‘Brussels route.’

Targeting the national level, the monitoring coalition published shadow assessments of the government’s reports on the implementation of the Action Plan for chapter 23. These were not funded under the Commission grant (interview with Cedem, October 2014) and were published in Montenegrin, clearly indicating national actors as targets. Their outline follows the Action Plan’s structure, while highlighting disagreements and necessary additions to the assessments provided by the government (Coalition for Monitoring the Accession Negotiations with the European Union - chapter 23 2014). Given the fact that two coalition members are included in the negotiating working group on chapter 23, the parallel publication of these critical assessments suggests their lack of satisfaction with the extent to which their input is taken on board during the formal debates within the working group.

A particularly interesting instance of the imbrication between EU support and domestic actors’ strategic usages of the EU accession process can be found in the funding structure of the monitoring coalition. While the kick-off phase of the coalition’s work was supported through the Croatian National Foundation for Civil Society Development, CRNVO, jointly with three local organisations that were not part of the monitoring coalition, secured follow-up support for the coalition’s activities through a project grant from the CSF. This direct funding resulted in the European Commission’s logo being printed on the monitoring coalition’s reports (though with the usual disclaimer), creating an explicit link between EU funding and a specific mobilisation format.

Still, it is important to emphasise that funding began once the coalition had already been established, with the coalition format itself, as discussed above, shaped through transnational learning. Over an 18-month period, the CSF grant covered the salary for the coalition's main coordinator from CRNVO and honoraria for those members drafting sections of the reports. Moreover, it enabled further exchanges, including training activities, with Platform 112 members.⁹

In terms of responses, the monitoring reports were well received by EU actors, with the coalition invited to present its findings directly in Brussels (interview with IA, October 2014). However, the conscious adaptation to EU-speak also resulted in the coalition's outputs being less attractive to citizens and media, reducing their uptake at the national level and any form of broader societal mobilisation for the demands contained therein. Aware of this limitation, the coalition has considered preparing digestible extracts from the full reports for a wider audience in order to engage also with the local population (interview with Cedem, October 2014). Still, the main involvement of the coalition is with official actors and especially the EU level, signalling potential problems to come regarding the sustainability of empowerment in the aftermath of the accession process.

Intermediary conclusion

Mobilisation choices of civil society actors in Montenegro display a rather broad repertoire including formal and extra-institutional engagement and frequent interactions both with the EU and the national level. This counts not just for the sector as a whole, but often also for individual organisations that privilege the use of multiple

⁹ The project application detailing envisaged activities and outputs has been seen by the author but, given its internal nature, cannot be quoted directly.

channels in order to maximise the likelihood of seeing their demands accepted. Moreover, there are significant instances of diffusion of specific mobilisation formats from neighbouring countries, with the monitoring coalition generally more successful in establishing itself in the new empirical context than the National Convention. Finally, the decision to engage in extra-institutional monitoring efforts, despite the unusually extensive access for CSO representatives to the formal negotiation process, is indicative of the repeatedly expressed degree of dissatisfaction of Montenegrin CSOs with the extent of effective participation at the domestic level. This discrepancy between formal involvement and the resulting degree of empowerment also becomes visible with regards to mobilisation outcomes, which are discussed in the following section.

Mobilisation outcomes: a downhill road?

The EU access process with Montenegro is still ongoing, which means that no final evaluation of the outcomes of civil society mobilisation in this context can be offered. Nonetheless, the following discussion highlights a number of tendencies that have emerged in the early years of membership talks. To begin with, framing and the creative use of EU leverage have allowed civil society actors to achieve a significant degree of procedural empowerment at the domestic level. This includes a particularly successful initiative that resulted in the insertion of civil society inclusion into the government's Action Plan on chapter 23. Still, the likelihood of extensive substantial empowerment appears low given the tense relations between state and civil society actors. This pessimism is reinforced by recent concerns that the formal inclusion of civil society actors into the negotiation structures may be more of an attempt at co-optation, rather than an effort to ensure their effective participation. Finally, difficulties

in securing financial support have called into question the two most prominent forms of self-organisation of the civil society sector. The last section discusses how the survival of both the monitoring coalition and the NCEI have become seriously jeopardised by a lack of follow-up funding.

Playing the game: successful framing and initial empowerment

Thanks to the high quality of their input and the effective use of different channels of communication, civil society actors achieved a rather significant degree of empowerment during the early stages of the accession negotiations. The lack of administrative capacities on the part of the Montenegrin state administration played no minor role in facilitating their extensive participation in the preparation of the Commission's screening for chapter 23 and the drafting of the Action Plan. On both occasions, government officials relied heavily upon the knowledge provided by civil society actors to prepare the following stage of the accession process (interview with EU Delegation, October 2014). In the words of a former EU official closely involved in the negotiation process, "Montenegro would not have been able to adopt its Action Plan for chapter 23 without the help of NGOs and their substantial expertise on some of the issues covered" (interview with former EU official, May 2016).

The timely mobilisation of civil society actors and the creation of a joint monitoring coalition further facilitated their empowerment during this period. Building on the Croatian experience, one of the monitoring coalition's first actions was to draw up 200 specific demands for reforms under the broader rule of law umbrella. Montenegrin officials publicly acknowledged that this list of concrete reform requests was among the documents consulted by the negotiating working group for chapter 23 when it

drafted the Action Plan (see Novaković 2015: 20). Particularly striking was the ability of civil society actors to insert a fourth sub-area devoted to ‘cooperation with NGOs’ into the Action Plan on chapter 23. Jointly with the NGO Office, the CRNVO representative in the working group drafted the entire corresponding subsection of the Action Plan and had it approved by the negotiating working group (interview with NGO Office, October 2014).

This incident is a remarkable demonstration of the effectiveness of framing. Although cooperation with CSOs had not been included in the Commission’s screening report on chapter 23, CRNVO succeeded in introducing it by arguing that participatory democracy featured prominently in the EU’s Lisbon Treaty. CRNVO submitted that it should therefore be treated separately from the more general section on human rights under which it had previously been addressed (interview with CRNVO, October 2014). This accession-related reasoning resonated with the working group members, and formal commitments to improve cooperation with civil society now stand on equal footing with reforms foreseen in the fields of judiciary, the fight against corruption, and fundamental rights (interview with MFAEI, October 2014).

Government officials were quick to emphasise the value of the coalition’s shadow reports as a second opinion and even an “advisory and control mechanism” (interview with MFAEI, October 2014) for negotiation documents prior to their submission to Brussels. Officials recognised that “there is a lot of knowledge inside NGOs” (interview with National Parliament, October 2014) and occasionally actively sought the coalition’s next report to compare it to the documents the government was preparing (interview with CRNVO, October 2014). Still, both national and EU

officials repeatedly emphasised that the main responsibility for the accession process lay with the government (interview with DG Enlargement, November 2013; Ministry of Justice, October 2014). There has thus been a notable divergence between the integration of substantial input by CSOs at the law-making stage and the later reluctance on the government's side to allow for greater oversight in the actual implementation of adopted measures. This tension is aptly illustrated in the case of the institutional set-up for the fight against corruption, which the following section discusses in more detail.

Reforming the institutional set-up of the fight against corruption

The prevalence of corruption has been one of the major concerns in Montenegro's EU accession process. The insufficient institutional framework for the fight against corruption drew particularly strong criticism from both the EU level and civil society actors. The need to "improve the anti-corruption legal framework" was one of the seven key priorities set out by the European Commission in its opinion on Montenegro's readiness to open membership negotiations (European Commission 2010d: 11). The accompanying analytical report highlighted that:

There is no comprehensive, regulatory framework to monitor corruption and conflict of interest through consistent internal controls. The legal and institutional framework needs to be significantly improved, so as to strengthen accountability and respect for rule of law within the public administration (...) (European Commission 2010c: 15-16).

The watchdog organisation CeMI began evaluating the existing framework for the fight against corruption as of 2009. In an extensive policy study, it highlighted the fragmented set-up that split responsibilities between five different government bodies. In its place, CeMI proposed an entirely new institutional model based on the creation

of an Anti-Corruption Agency, for which the study detailed the organisational scheme and funding requirements (Centre for Monitoring and Research 2010).

Over the following three years, CeMI engaged in an intensive advocacy campaign to promote this alternative model. Its efforts included regular exchanges with DG Enlargement in Brussels and the EU Delegation in Podgorica, which aimed to convince the Commission of the need for a comprehensive overhaul of the institutional framework (interview with DG Enlargement, November 2013; CeMI, October 2014). One of the central requests put forward by CeMI was a strengthening of the Directorate for Anti-Corruption Initiatives (DACI) through an extension of its competences and its integration with several of the other anti-corruption bodies (Centre for Monitoring and Research 2010: 52).

Following the Commission's initial reluctance to put forward any specific model to address the problem, it eventually endorsed the centralised set-up advocated by CeMI in its screening report for chapter 23, highlighting that the "institutional setup is scattered" (European Commission 2012e: 23) and that full alignment with the acquis would require Montenegro to:

strengthen and possibly review the institutional framework for the fight against corruption. In particular, DACI's competences need to be upgraded and its capacities reinforced. (ibid.: 25).

CeMI maintained its engagement on the issue, ensuring among others that its key message was contained in the reports submitted by the monitoring coalition to the European Commission. In the section on combating corruption, the coalition's May 2013 report states that:

[t]he main obstacle to achieving concrete results is [the] number of institutions controlling this area (...) none of which has significant powers,

nor the necessary independence to do the job. (Coalition for Monitoring the Accession Negotiations with the European Union - chapter 23 2013: 14).

Following its approval by the EU and the Council of Europe's Venice Commission, a new Law on Prevention of Corruption was eventually adopted in December 2014 (interview with MANS, October 2014). Signalling the parallel operation of persuasion as a means to convince decision-makers through direct interaction, several civil society representatives had been included in the working group drafting the law. Still, it was CeMI's strategy of indirect coercion and the resulting EU endorsement for its proposal that paved the way for the opening of the Anti-Corruption Agency as an independent body on 1 January 2016.

However, the apparent success of CeMI and the broader monitoring coalition in seeing a central request translated into institutional practice has been overshadowed by the fact that the new agency immediately drew strong criticism from civil society actors. A CeMI report points to legal inconsistencies between the two laws directly governing the Agency's work, concerns over its independence from the executive branch, and a lack of human and financial resources that hamper the Agency's effective operation (Centre for Monitoring and Research 2016: 13-14). Similar concerns had already been flagged in a report by IA, which moreover took issue with the transparency of the Agency's work and controversies over the appointment of its Director and the drafting of its budget (Institut Alternativa 2016a).

The IA report elicited a direct reaction from one of the Agency's Council members, who accuses the authors of the study of waging a "badly argued, non-objective and orchestrated attack on an independent institution which is only just beginning its work"

and asks for disclosure of the funding sources for the report (Stijepović 2016, author's translation). This latter point plays to the still widespread public perception of CSOs operating as foreign agents and against state interests. In the response published on its website, IA regrets the lack of substantial engagement with the issues brought up in its report by the letter's author and indicates the absence of explicit funding for the study conducted. It continues:

The mission of the civil sector is the democratisation of society, and it is not limited in a timely or financial manner. Unfortunately, this is not fully understandable to the director and the members of the Council of the Agency, given that their goal from the very beginning was to put a stop to objective monitoring and evaluation of the work of the Agency (...) (Institut Alternativa 2016b).

This acrimonious exchange, and the more general difficulties in ensuring an adequate functioning of the Anti-Corruption Agency, are exemplary of a wider dynamic at play regarding civil society empowerment in Montenegro. Government officials readily incorporated CSO expertise at the law-drafting stages to compensate for a lack of capacities in the public administration. In contrast, follow-up monitoring by these organisations regarding the actual implementation of adopted measures, much less outright criticism of failings in this regard, has been significantly less welcome. The extensive formal provisions for civil society involvement both in policy-making and in the EU accession process therefore fall short of fully empowering civil society actors at the domestic level. Instead, the result more closely resembles co-optation, whereby civil society actors are incorporated into the early decision-making structures as experts, but thereby allegedly forfeit their right to act as outside critics during the implementation phase. This dynamic is addressed more in detail in the following section.

Co-optation: access instead of influence?

As the membership negotiations moved from the preparation of formal commitments by the Montenegrin government to their actual implementation on the ground, there has been a sharp decline in the extent of civil society inclusion. A core issue of concern has been the transparency of the negotiation process and the access of working group members to relevant documents. Already upon entering the working group for chapter 23, CSO members had to sign a non-disclosure agreement towards the broader public. More recently, CSO members were requested to re-sign a similar pledge (personal communication with IA, June 2016).

Allegedly serving to ensure the effective conduct of negotiations, this measure eventually led to the majority of documents shared with CSO members being marked “state secret” (CCE at Civil Society Conference, 26 February 2016). This has posed as a formal obstacle to their effective engagement with the citizens, which had been one of the main reasons put forward for an inclusive negotiation process. Moreover, following an initial phase during which the negotiating working group for chapter 23 had several meetings a month, its formal encounters have become less frequent, and mostly take the form of smaller meetings on the sub-areas of the chapter aimed at facilitating the compilation of the implementation reports for the Action Plan (interview with MFAEI, October 2014). Finally, media reporting by the dominant pro-government outlets has often been hostile, precluding a successful outreach of CSOs to the broader population (interview with former CRNVO, April 2014).

A first turning point for the inclusion of civil society actors occurred when the third implementation report for the Action Plan on chapter 23 was adopted without having

been debated by the working group. CSO members had already previously complained that their comments were being left out of the adopted reports without any justification provided by the government (interview with IA, October 2014). The move to effectively exclude the working group from the reporting process by presenting it with the final draft of the third implementation report provoked the outrage of its CSO members, who threatened to leave the working group altogether should the subsequent report be handled in the same manner (interview with CRNVO, October 2014). Despite this incident being presented by a government member of the working group as a “misunderstanding” (interview with MFAEI, October 2014), concerns over the lack of transparency of the overall accession process have since increased.

Most fundamentally, the creation of the Rule of Law Council as a new institution overseeing negotiations in the areas of chapters 23 and 24 without the involvement of CSOs was met with great scepticism by civil society actors. In September 2015, two leading members of IA criticised the negotiation process as offering “access to the privileged only” (Marović and Muk 2015). An earlier press release from the organisation had already admonished that “the government excludes the public from [the] negotiations process” (Marović 2015), while the IA President in an op-ed denounced a “strategy of exhaustion, obstruction, and marginalization of requests of NGOs” (Muk 2016). Expressing a widely shared sentiment among civil society actors, the CEE member for the working group on chapter 23, Boris Marić, lashed out in the organisation’s newsletter:

If you can’t silence them, exclude them on procedural grounds. This could be the motto of the Government of Montenegro, as it describes perfectly its obstruction of the European integration process in the most demanding chapters – 23 and 24. (...) there is no denying that the Government is hiding from the NGO representatives in the working groups for these, having instead enclosed itself in its own body, aptly dubbed the Council

for the Rule of Law. (...) [This Council is] a perfidiously concocted attempt to hide from civil society activists parts of the negotiation process (...) (Centre for Civic Education 2016: 2).

Coming from an organisation that has typically privileged direct engagement with government actors, such harsh criticism indicates a turn in tide when it comes to state-civil society cooperation in Montenegro's EU accession process. The initial needs-driven reliance upon external input from civil society actors, who accepted their formal inclusion in negotiating working groups as an additional channel for influence, has clearly failed to produce a qualitative change in relations. In the words of a CRNVO representative:

(...) four years after the official opening of chapters 23 and 24 and the involvement of first NGO representatives in the working groups for these chapters, the attitude of state officials did not change. Basically, NGOs' comments and suggestions are generally viewed as attacks on the work of the rest of the working group. Some suggestions and corrections are usually adopted, but there is an obvious climate of division into 'government' and 'non-government' in the negotiation structures, and the non-government is still viewed as an alien body. (Novaković 2016: 6)

Regarding reform progress in general, and in chapter 23 in particular, interactions are marked by bitterness and even open confrontation. Whereas the current situation affords civil society actors high visibility, mobilisation outcomes have been largely limited to procedural empowerment, with little immediate prospect of more fruitful interactions with government actors on substantial rule of law issues. The perceived tension on the government's side between formal participation and external monitoring was expressed by a Montenegrin official as an (intended) rhetorical question: "Is it a conflict of interest to draft a measure and then criticise it?" (interview with MFAEI, October 2014).

Paradoxically, the eventual backlash of formal participation had already been foreseen by some outside actors. A CMS representative who had been actively involved in the

creation of the Montenegrin monitoring coalition advised his Montenegrin counterparts to “get out of the working groups, but they didn’t want to listen” (interview with CMS, March 2014). Similarly, an EU official closely involved in Montenegro’s accession talks considered that local organisations had let themselves be trapped into participating in the negotiating working groups. In his view, this formal channel of participation was created by the government “just to please the EU, with no intention to include them [civil society actors] into the decision-making” (interview with EU official, March 2014). A Croatian government official similarly stated that “Montenegro is now realizing that they took it too far” (interview with Croatian MFA, April 2014).

In sum, the Montenegrin case shows a stark contrast between the extensive procedural empowerment of civil society actors and a much more circumscribed substantial influence over policy outcomes, which almost makes their formal inclusion appear as a fig leaf. Whereas indirect coercion via an uploading of demands to the EU level was effective for certain specific issues (such as the creation of the Anti-Corruption Agency), legal changes imposed through this strategy produced severe implementation problems on the ground. On the whole, despite the enhanced frequency of interactions, concerns over the transparency of negotiations and a heightened sense of estrangement and even outright hostility between government officials and civil society actors have overshadowed what was initially hailed as a model of successful civil society inclusion for the entire region.

Sustainable mobilisation: a question of funding?

In the Croatian case, the marginalisation of civil society actors in the formal set-up of accession negotiations led to a forceful and at least temporarily successful extra-institutional mobilisation during the final stages of the accession process. Given the widespread disappointment with CSOs' formal participation in negotiating working groups, one may have expected a similar strengthening of informal mobilisation formats in Montenegro. Surprisingly however, both of the main extra-institutional formats have been struggling to maintain regular activities due to a lack of financial resources, as the following discussion demonstrates. The resulting combination of ineffective formal access and the dwindling level of non-institutional involvement has weakened the overall degree of civil society actors' influence at the domestic level.

Once the CSF grant ended in March 2015, the monitoring coalition failed to secure follow-up funding for its activities. A number of members expressed their commitment to continue the publication of joint reports on a voluntary basis (interview with IA; Cedem, both October 2014), with a Cedem representative emphasizing that the coalition's work was considered to be "programme-, not project-based" (interview with Cedem, October 2014). However, in contrast to the Croatian Platform 112 that functioned largely without additional resources, a member of CRNVO as the main coordinator of the coalition explicitly claimed that:

to achieve its real goal, influencing decision-makers, the Coalition requires fundamental resources, such as the publication of reports, and the possibility of going to Brussels or other locations, to advocate and establish communication with key stakeholders. Otherwise, the work of the Coalition could be reduced to the occasional press release, or presenting analysis in only certain areas, which is not sufficient to achieve goals such as changes in legislation and their proper implementation. (Novaković 2015: 22)

One reason for the partial disintegration of the coalition can be found in the high level of competition prevalent in the Montenegrin civil society sector. Thus, one member suggested that “being in a coalition is a statement” (interview with HRA, October 2014) to signal the ability of the sector to stand united in spite of its often divided nature. However, already prior to the end of the CSF grant, another member signalled that some organisations inside the coalition were less committed to its joint approach. This was explained by the larger organisations considering themselves to be sufficiently influential enough alone and thus being more reluctant to share findings in a collective format (interview with monitoring coalition member, October 2014). This suggests a conscious decision *against* coalition-building as a tool for empowerment, and in favour of individual mobilisation as a way to strengthen one’s organisational profile and potentially also the ability to access dwindling resources provided by international donors.

In addition, the fact that the coalition combined bigger and smaller CSOs became an issue, with a member claiming that the former at times struggled to “embrace the smaller ones and accept their findings” (interview with monitoring coalition member, October 2014). As one EU official closely cooperating with the coalition put it:

The coalition started with a lot of momentum, but lately they lack a bit of coordination, they don’t seem to have an idea what their next step is. (interview with EU official, October 2014).

Interestingly, a Platform 112 member underlined the limited life cycle of a typical civil society coalition, which can function “for one, one-and-a-half years, but then it becomes too bureaucratic and turns into a project” (interview with CMS, March 2014). As of June 2016, no further report by the monitoring coalition has been published

following the closure of the EU-funded project, and the coalition has all but disintegrated.

The NCEI has suffered a very similar destiny. Whereas this format initially succeeded in securing co-funding from the European Commission for an additional two-year cycle following the first two years that were exclusively supported by SlovakAid, a follow-up application to the CSF grant scheme failed. With no resources to cover the work of the NCEI coordinators and the honoraria of the external experts invited to share their insights, its working sessions were discontinued following the end of the project cycle in March 2015. Ironically, the final NCEI project report expresses the hope that:

In the years ahead, our wish is for the National Convention on European Integration of Montenegro to become [a] richer, stronger and complete framework for exchange of opinions on important issues in our society and defining of the best ways for solving them. (National Convention on European Integration of Montenegro 2015: 8).

Despite the successful launch of a regional convention grouping Serbia, Montenegro, and Albania with support from the International Višegrad Fund and the German Stability Pact, there is considerable bitterness on the side of EMiM as the main coordinator of the NCEI at the Commission's decision to reject the application for a further project cycle (EMiM at Civil Society Conference, 26 February 2016).

In sum, financial constraints, rather than a drop in EU support as in the case of Croatia, are threatening to undermine civil society empowerment in Montenegro. The two most successful collective endeavours bringing together civil society actors on chapter 23 and, in the case of the NCEI, the broader EU accession process, have become largely defunct due to the lack of follow-up funding. This is all the more surprising given the

meagre results of the formal inclusion of civil society actors in the membership negotiations, which could have geared more international donors towards supporting alternative forms of engagement.

Yet, the decisive role of regular and substantial funding for civil society mobilisation is also indicative of the extent to which Montenegrin CSOs have become professionalised and thus dependent on project work as their principal mode of operation. This process seems to have stifled more voluntary, values-driven engagement that characterised the founders of many of today's professional organisations when they were activists during the 1990s.

Intermediary conclusion

Mobilisation outcomes for civil society actors have been mitigated. Whereas their input was actively sought by government actors during the preparatory stages of the membership negotiations, relations between state and civil society actors have since taken a turn for the worse. Formal inclusion of CSO representatives into the negotiating working groups, coupled with individual and collective extra-institutional mobilisation, has fostered a rather significant extent of procedural empowerment at the domestic level. Moreover, indirect coercion and the successful framing of specific civil society demands have allowed for certain concerns to be included in the membership requirements set out under the EU accession process.

However, the more secretive nature of the negotiations in chapter 23 following the adoption of the Action Plan has soured interactions. Moreover, the implementation of adopted changes in the fields of civil society inclusion and the fight against corruption

have been lacking, reducing the substantial empowerment of civil society actors and the future prospect thereof. Finally, financial difficulties have prevented extra-institutional mobilisation formats from compensating for the lack of effective access at the domestic level.

Conclusion

Civil society mobilisation in Montenegro occurred in an institutionally and legally advanced setting that foresees the extensive access of CSOs both to the regular domestic policy-making process and to the negotiating structure for EU accession. Moreover, Montenegrin organisations benefited greatly from the insights of earlier accession countries, in particular Croatia, whose experience shaped their strategic approach both in terms of format and of substance. Nonetheless, the current state of play suggests that the extensive formal inclusion of civil society actors has not resulted in their effective empowerment. This is due both to the persistence of hostility and mutual scepticism between state and civil society actors, and to a failure on the part of state officials to adequately implement reforms so as to reflect the substantive input received from the civil society sector.

Owing to the discrepancy between formal openness and actual receptiveness of the policy-making process, mobilisation strategies have been largely hybrid, with most organisations opting for a parallel engagement in official structures and simultaneous extra-institutional involvement through monitoring in their individual capacity or through a joint monitoring coalition created for chapter 23. Semi-institutional mobilisation through the NCEI emerged as a third alternative that numerous organisations chose to participate in. Venue choice was similarly broad, with civil

society actors combining domestic channels with an often extensive engagement with EU-level actors, who were strategically targeted with tailored outputs. Again, the Croatian experience regarding the effective use of the Commission's reporting cycle was crucial in enabling Montenegrin CSOs to draw on this possibility early and rather successfully.

Still, the traditionally hostile relationship between state and civil society actors has precluded a more comprehensive empowerment despite the extensive mobilisation of CSOs and rather significant EU pressure in favour of effective inclusion. This combination led to a number of partial successes of CSO activism specifically in chapter 23. However, substantial influence by CSOs was thwarted however by a decreasing degree of transparency during the accession process and the insufficient implementation of adopted reforms. Furthermore, a lack of funding has called into question the sustainability of some of the most successful extra-institutional mobilisation formats that may have compensated for a lack of formal access at the domestic level. On the whole then, the ability of Montenegrin civil society actors to empower themselves through the EU accession process has been mitigated, with institutional advances overcast by a political culture that remains doubtful of the merits of closer cooperation between state actors and CSOs.

Chapter 8: Serbia¹⁰

“(...) civil society in Serbia needs to try to utilise the accession process (and inclusion in structures developed for that purpose) to advocate its legitimacy in becoming a prominent partner for the public sector.”
(Elek et al. 2015): 7

“We are approaching the EU as an instrument to shape the reform process in Serbia.”
Serbian activist, 21 October 2013

Of the three countries analysed in this thesis, Serbia is the least advanced on the path towards EU accession. It received official candidate status for EU membership in March 2012, and accession negotiations were opened in January 2014. Negotiations on the first chapters began in December 2015, but chapter 23 remains to be opened. During the preparatory phases of the accession negotiations, civil society actors have focused on positioning themselves strategically at the domestic level and developing the expertise and contact network to engage fruitfully with EU-level actors. However, in the absence of chapter 23 as a formal reference point, empowerment has remained largely restricted to a procedural level. Still, given the significant extent of transnational learning and the early mobilisation of CSOs including through involvement at the domestic level, there is space for a more lasting improvement of state-civil society relations as an outcome of the EU accession process.

¹⁰ Parts of this chapter are derived from an article titled “Beyond instrumentalisation: NGO monitoring coalitions in Croatia, Montenegro, and Serbia” published in *East European Politics*, 31:4, pp. 452-467, available online <http://www.tandfonline.com/doi/full/10.1080/21599165.2015.1085859>.

The following sections tackle the three hypothesised steps of the process of differential empowerment in turn. The first section spells out how the EU's support for civil society that has led to considerable formal improvements to the enabling environment for CSOs. Mobilisation choices are discussed in the second section, which highlights an important degree of diffusion and learning that has enabled both early mobilisation and a rather successful adaptation of mobilisation formats tested in other enlargement countries to the specific domestic circumstances in Serbia. The third section addresses the intermediary outcomes of mobilisation, which so far have allowed for rather extensive procedural empowerment, but have fallen short of substantial influence over the reform process largely due to the insufficient advancement of the Serbian membership talks.

Political opportunity structure

The structural framework under which Serbian civil society actors evolve is looser than the provisions in place in Croatia and in Montenegro. EU-level actors have strongly supported a more routinized involvement of civil society actors at the domestic level, including through generous funding of initiatives to strengthen the legal and institutional framework in place. Nonetheless, consultation procedures often remain ad hoc, and there is a strong emphasis on self-organisation of the sector when it comes to civil society actors' involvement in membership negotiations. At the same time, the roots of several of the most prominent organisations in the anti-war movements of the 1990s, and their key role in eventually overthrowing Milošević in October 2000, represent a rather promising basis for the strengthening of local CSOs once EU-related opportunities for mobilisation and empowerment become more palpable.

EU political and financial support

Despite the ongoing presence of other major international donors, EU support has played a crucial role for the development of civil society in Serbia. Around €4 million are provided to Serbian CSOs each year through direct national grants. An evaluation of IPA assistance to Serbian CSOs emphasises their high absorption capacity and the ability of organisations, including those located in more rural areas, to secure consecutive grants, attesting to their high degree of professionalisation (Crnjanski et al. 2013: 20).

Political support initially centred on the need to foresee more formalised institutional channels for the access of civil society actors to domestic policy-making. The analytical report accompanying the Commission's opinion on Serbia's application for candidate status in 2011 underlined that "cooperation between state bodies and civil society organisations remains on an ad hoc basis" (European Commission 2011c: 26). The subsequent report highlighted the important role of the Government Office for Cooperation with Civil Society (hereafter 'CS Office') (European Commission 2012d: 14).

The CS Office was created in January 2011 following a comprehensive campaign by civil society actors, which eventually came to fruition once the EU endorsed its goals (interview with CS Office, November 2014). The EU provided substantial financial resources for the CS Office's operation, notably through a €1.2 million IPA grant that funded a 3-year expert mission inside the Office to boost its capacities (Office for Cooperation with Civil Society 2012). One of the key contributions of the expert mission consisted in the development of a set of guidelines for consultations with third

parties, adopted in August 2014, that aims to establish a framework for horizontal civil society inclusion (interview with SIPU expert; EU Delegation, both October 2013).

In addition, both the Head of the EU Delegation and various member state Ambassadors repeatedly shielded the Office's former Director against attempts to replace her by less committed persons closer to the governing party (interview with government official, September 2013; EU Delegation, October 2013; DG Enlargement, March 2014). At the same time, the creation of the CS Office reduced EU pressure for further improvements, with the 2013 progress report only touching upon civil society marginally. Following the upgrade of the Commission's engagement with civil society (see Chapter 5), the two subsequent reports are more outspoken, with the 2014 assessment highlighting:

Civil society organisations and human rights defenders continued to play a key role in raising awareness about civil and political rights in a climate often hostile to their activities, in particular when they express critical views. (...) A more visible political commitment to promoting a culture of respect and raising awareness is needed. (European Commission 2014b: 11).

The latest report is similarly critical, pointing out that "cooperation between the government and civil society still needs to be improved and a mechanism ensuring transparent dialogue with CSOs is needed" (European Commission 2015b: 8). As Serbia makes progress on the road towards EU accession, it is obvious that the Commission has stepped up the intensity of its demands regarding the need to improve relations with civil society actors.

Domestic institutional and legal framework

The institutional and legal provisions regulating the work of civil society actors in Serbia are comparatively underdeveloped. Owing to EU pressure that has been coupled

with a long-standing campaign by domestic activists (see Civic Initiatives 2013), the legal status of CSOs has improved. The European Partnership of 2008 included a reference to the necessary regulation of CSOs' legal status, resulting in a new law on associations being adopted in 2009 (Bobić and Božić 2012: 4). However, while this law facilitated the foundation and registration of organisations, it did little to improve the overall situation in which they operate (interview with *Centar za razvoj neprofitnog sektora* (CRNPS), September 2013). Hence, the general rules of procedure of Government of Serbia (art. 92) foresee cooperation between the government and other legal entities, including civil society actors, but leave room for exceptions if the discussed law is not 'systemic' (Božović et al. 2015: 29).

The policy-making process in general is considered to be "informal, ad hoc, and confusing" (interview with European Policy Centre Belgrade (CEP), October 2013), thus working against the effective involvement of non-state actors. In the words of one interviewee, "as long as the process is ad hoc and unplanned, CSOs will have a very hard time participating" (interview with CEAS, October 2013). In fact, public consultations at best take place once a law has already been drafted and is on its way into the parliamentary procedure. Moreover, the more recent practice of the government consulting with the European Commission on draft laws has further reduced the space for CSO influence, with government actors frequently rejecting their recommendations once a green light has been received from the EU's side (personal communication with Belgrade Centre for Security Policy (BCSP), June 2016).

Besides formal shortcomings and a lack of infrastructure for state-civil society cooperation (interview with Serbian academic, September 2013; Balkan Trust for

Democracy (BTD), October 2013), there is also a perceived lack of willingness and mutual understanding for the benefits of cooperation (interview with former CI, November 2013). In this sense, the adopted guidelines for public consultations (Government of Serbia 2014) offer only a partial remedy. Given their non-binding nature upon government actors, their application has been unsystematic (Božović et al. 2015: 29; interview with EMinS; BCSP; Policy Center (PC), all three October 2013). This contributed to a sense among civil society actors that “we are a decoration in the consultation process” (interview with CI, November 2014). The CS Office itself acknowledged that discussions leading up to the adoption of the guidelines had been “complicated,” with the eventual production of a five-page document over the course of one-and-a-half years of consultations falling short of initial expectations (interview with CS Office, November 2014).

The creation of the CS Office itself initially met with much reluctance and hesitation on the part of the government (interview with CS Office, October 2013). Still, its first years of operation saw it hailed as an important mediator between the civil society sector and state officials. Its mission consists in enhancing the awareness and quality of interactions among both sets of actors, with a representative considering that “we work for both sides” (interview with CS Office, November 2013). Its mandate was based on the example of the Croatian NGO Office, including a strong institutional position since the office reports directly to the government rather than to a specific Ministry (Đorđe Popović at EFB/RRPP conference, November 2013). Still, suspicion on the part of certain Ministries has hampered the Office’s work and created frustration among its employees (interview with CS Office, September 2013; SIPU expert, October 2013). This eventually prompted its widely regarded Director to resign in

early 2015, with the role of the Office greatly diminishing since (interview with CS Office, April 2015).

Besides the CS Office, the Government Office for European Integration (SEIO) as the central point of coordination of the EU accession process is one of the institutions that most actively cooperates with civil society actors (interview with PC; CS Office, both October 2013). SEIO became the first state institution to sign a memorandum of understanding with CSOs already in 2004 (interview with SEIO, October 2013), serving as an example for other state bodies to open up at a time when CSOs were still widely perceived as traitors (interview with EMinS, October 2013). The memorandum remains open to new signatories, on the condition that they have previously completed at least two EU-related projects (interview with SEIO, October 2013). Through signing up, organisations gain access to non-financial support and information, including consultations prior to project launches and the participation of SEIO representatives in events (interview with EMinS, October 2013). On the whole however, despite these two prominent institutional allies, the overall legal and institutional framework for Serbian civil society involvement at the domestic level remains weak.

Set-up of the accession process

Expertise among civil society actors in Serbia is particularly well-developed with regards to issues covered by chapters 23 and 24 (interview with National Parliament, December 2013), with an EU Delegation official underlining the “very solid, well-developed civil society sector in Serbia on human and minority rights” (interview with EU Delegation, November 2013). In addition, there was a strong general commitment

to the principles of inclusiveness and transparency in the Serbian EU accession process. The Commission's negotiating framework for Serbia stipulated that:

In order to strengthen public confidence in the enlargement process, decisions will be taken as openly as possible so as to ensure greater transparency. Internal consultations and deliberations will be protected to the extent necessary in order to safeguard the decision-making process, in accordance with EU legislation on public access to documents in all areas of Union activities. (European Union 2014: 13).

Correspondingly, the opening statement of Serbia for the first Serbia-EU intergovernmental conference in January 2014 emphasised the special role of civil society actors in the membership negotiations:

Civil society organisations will have a special role in the accession negotiations. In this way the process will get full legitimacy and it will become the ownership [sic] of all citizens of the Republic of Serbia. (Government of the Republic of Serbia 2014: 14).

In spite of these formal commitments, the persistent distrust between state and civil society actors has been reflected in the set-up of the negotiation structure for EU accession. Both sides have been reluctant to create formal mechanisms for the involvement of CSOs (interview with BTĐ, October 2013; Jelinčić and Đurović 2011: 22), with state officials openly rejecting the idea in favour of the "self-organisation" of the civil society sector (interview with government official, October 2013; MP, December 2013; CS Office representative at Institute for Sustainable Communities (ISC) conference, February 2014).

First of all, there has been a fear that full inclusion along the Montenegrin model would represent an "additional burden" (mentioned explicitly in interviews with CS Office; government official, both October 2013). Other officials pointed out that it was neither possible nor desirable for civil society actors to take over the state's responsibilities,

with their role instead consisting in contributing through expertise and monitoring (interview with former SEIO, October 2013). One SEIO representative considered the formal inclusion of CSOs in government working groups “completely illogical” and of questionable legitimacy:

If you’re a non-governmental organisation, how can you do government work? The negotiation process implies taking on obligations for the state – this is government work par excellence. What is your legitimacy as an NGO to take on such obligations in the name of the state? There’s a bit of a misunderstanding here of the ‘who is who.’ (interview with SEIO, October 2013).

Moreover, involvement of external actors at the formal level was considered unnecessary given the comparatively superior capacities of the Serbian public administration, with one source close to the negotiation process affirming that:

We’re not Montenegro, we have capacities of our own. For me, the inclusion of NGOs in negotiation working groups is ridiculous and a sign of a lack of capacities on the side of the Montenegrin state, not of openness. (interview with government official, December 2013).

Similar concerns were voiced on the part of civil society actors (interview with Serbian Helsinki Committee, October 2013; BOŠ, May 2015). Remaining outside the formal negotiation structure was considered important in order to avoid any conflict of interest, with one interviewee suggesting that “we risk losing our identity as CSOs” (interview with CRNPS, September 2013). Another claimed that “it’s better not to be a member of a working group because you keep your independence” (interview with Helsinki Committee, October 2013). The local office of the OSF declared itself “strongly against” the participation of CSOs in the negotiation group:

CSO participation would alleviate the responsibility of the government, but the government is solely responsible, it got a mandate for certain policies – if CSOs negotiate, why would we pay the government? CSO participation in government work is a contradiction in itself as long as the state exists. (interview with FOSS, October 2013).

Nonetheless, there was a consensus that civil society actors may be included on the basis of specific expertise, rather than as representatives of the sector as a whole (interview with BCSP, September 2013; FOSS, October 2013; SEIO, December 2013). One SEIO representative explained the commitment to civil society inclusion as “Tanja’s personal stamp on this process” in reference to the Serbian Chief Negotiator Tanja Mišćević’s background in civil society (she is the Vice President of the European Movement in Serbia). However, while the final negotiation structure did foresee the inclusion of civil society actors as thematic experts chosen by the heads of the negotiating groups, so far only a single member of a CSO has been included, in the working group on consumer protection (see Božović et al. 2015: 31).

Formal involvement of civil society actors in accession-related matters does occur in a more limited sense through the Sectoral Civil Society Organisations (SEKO) mechanism that was set up jointly by TACSO, SEIO and the CS Office to coordinate IPA programming during the pre-accession period. Again, the initial trigger for the establishment of SEKO was the EU’s insistence on civil society input (interview with TACSO, October 2013), with nine parallel working groups eventually launched in spring 2011 (interview with EMinS, October 2013). One of these working group was dedicated to the rule of law and headed by the BCSP, with the Belgrade Centre for Human Rights and Group 484 as its main partners and a total of 47 member organisations (interview with BCSP, October 2013). Whereas the second phase of SEKO, launched in 2014, has seen a significant increase in resources provided to lead organisations for the coordination of activities (Trag Foundation 2014), its narrow focus on providing technical input for the planning of major IPA projects makes for a rather restricted remit.

Intermediary conclusion

There has been a gradual evolution of the political opportunity structure that Serbian civil society actors evolve in. Not least EU pressure contributed to the introduction of formal commitments to increased inclusiveness, which took the form of a dedicated CS Office and the adoption of a number of state-level documents proclaiming the aim of greater civil society involvement. The civil society sector itself is rather well-developed, in part thanks to continued EU support. Nonetheless, the overall domestic structural environment remains weak in comparison to other accession countries.

Moreover, whereas local organisations acknowledge that “Serbian civil society would never have developed the way it did without EU integration”, there is a certain wariness regarding EU-driven adaptation, with a growing emphasis on the need for sustainable mechanisms created “without outside support and pressure” (interview with CI, November 2014). The relative closure of the accession process itself has been reflected itself in civil society actors’ mobilisation choices throughout the membership negotiations, which are discussed more in-depth in the following.

Mobilisation strategies: lesson-drawing and pluralist approaches

Despite a comparatively unfavourable structural environment for mobilisation, Serbian civil society actors benefited immensely from the lessons learned of their Croatian and Montenegrin colleagues when it came to devising their own approach during the early stages of membership negotiations. As a result, strategic mobilisation in respect to the EU accession process began already prior to the official opening of membership talks in January 2014. Civil society actors began to create a range of mobilisation formats aimed at shaping domestic reform process through the new

opportunities brought by the Europeanisation context. The following discussion discusses these mobilisation choices in detail.

First, it tackles the early awareness and strategic positioning of Serbian CSOs, which forms a stark contrast with the experience of Croatian organisations. The second section puts forward the lack of domestic embeddedness as a driver of the search for alternative mobilisation formats and an active engagement on the ‘Brussels route.’ The remaining two sections outline the two most prominent mobilisation formats developed in the context of EU accession. The monitoring coalition *prEUgovor*¹¹ centres on extra-institutional mobilisation, combining lessons learned from Croatia and Montenegro in its advocacy centred on chapters 23 and 24. The National Convention on the European Union (NCEU) builds on the same Slovak model that inspired the Montenegrin NCEI. However, the Serbian model flourished thanks to a significant adaptation to the domestic context and has become a widely recognised and appreciated channel for civil society involvement in the membership talks.

Early awareness and strategic positioning

The geographical proximity and shared history of the ex-Yugoslav countries facilitated transnational exchanges and learning between the different accession candidates. Croatia has been very actively involved in mentoring its neighbours and sharing accession-related documents, including the full translation of the *acquis*, with colleagues from the region (interview with Croatian NGO Office, April 2014). Encounters between Montenegrin and Serbian officials are similarly frequent and

¹¹ *prEUgovor* is a play on words between the Serbian term *pregovori* (negotiations) and the EU. The coalition also uses the name ‘*prEUUnup*’ as an English designation in allusion to EU accession talks as a prenuptial agreement. The Serbian term is preferred and used throughout this thesis.

often involve lesson-sharing with regards to the EU accession process. The two Chief Negotiators regularly meet, and the respective heads of the negotiation groups for chapters 23 and 24 have jointly discussed the best negotiation strategy for these two challenging areas (interview with Montenegrin Ministry for Human and Minority Rights, October 2014). It is therefore unsurprising that such transnational learning also occurred between civil society actors, and greatly informed the mobilisation choices of Serbian CSOs.

Transnational exchanges between civil society actors began early on, both in the form of informal interactions enabled through direct contacts between Croatian and Serbian organisations, and thanks to more formal trainings and presentations facilitated in part by official institutions. The Serbian CS Office played a very proactive role in preparing Serbian CSOs for an active involvement in the accession process by organizing monthly or bi-monthly trainings on different *acquis* chapters. The set-up of these sessions foresaw an initial input provided by a Serbian official and a follow-up by a guest from another country sharing their experience of the negotiation process and engaging in a discussion with the Serbian civil society actors attending the event (interview with CS Office, October 2013).

In July 2013, two members of the Croatian CMS, as one of the leading organisations within Platform 112, shared their experience in an introductory workshop on chapters 23 and 24. The encounter was organised by the CS Office and drew an audience of over 150 participants from the Serbian civil society sector (interview with CS Office, October 2013).¹² The Croatian activists insisted heavily on the importance for civil

¹² The author received the presentation slides from a Serbian activist who attended the event.

society actors to organise early on in the process in order to maximise their impact. At the same time, they commended the relative preparedness of Serbian organisations in comparison to their own position at the same point in the accession process (interview with CEP member who attended the event, October 2013).

Owing to such transnational exchanges, awareness for accession-related opportunities as an initial step towards civil society empowerment was fostered very early among Serbian organisations. Following the initial event facilitated by the CS Office, members of Croatian organisations were invited on several occasions by their Serbian counterparts to conduct trainings in view of refining their own approach to the accession process (interview with PC, October 2013; CMS, March 2014; BCSP, April 2014; Documenta, May 2014). Mobilisation therefore began much earlier, and at a comparatively higher level of sophistication, than had been the case in Croatia. Already in October 2012, a publication by EMinS drawing explicitly on the example of Croatia, outlined the importance of early mobilisation:

It is necessary that such process [of monitoring accession negotiations through civil society actors] is made possible (legislative framework) and organized (political will) in time. The case of Croatia clearly shows that there is a big space for action and impact, but if there are no concrete and properly timed activities, the space can be left unused. (Bobić and Božić 2012: 15).

EMinS eventually became the driving force behind the relaunch of the NCEU that is discussed more in-depth below. A contribution co-authored by a member of the BCSP, the driving force behind the creation of the prEUgovor coalition, argues similarly:

It is of utmost importance for CSOs to organise and start monitoring activities early on, even before the negotiations are formally open, when the governmental rules, institutions and procedures for negotiations are being set up on [sic] the national level. This would allow CSOs to influence these starting conditions, which will benefit them later on in terms of increased transparency and better communication with the government. (Elek et al. 2015: 6).

With broad consensus on the need to become involved in the accession negotiations, efforts among Serbian civil society actors centred on devising the appropriate form for such engagement. As in previous cases, this involved the adaptation of repertoire and of venue choice to the new structural environment. Whereas venue choice depended largely on the degree of embeddedness at the domestic level, the shape of mobilisation was guided by diffusion and learning from neighbouring countries.

Lack of domestic embeddedness and the Brussels route

In terms of opening the ‘national route’ for civil society input, it was again the CS Office that proved to be decisive in pushing for the involvement of CSOs at least through the provision of information during the screening phase. Thus, the Office organised a live streaming of the explanatory screening session for chapter 23, which saw EU actors outline the requirements Serbia needed to meet with regards to the rule of law and fundamental rights. The meeting was organised inside an administrative building of the National Parliament and well visited, with 48 representatives from 31 different organisations registering for the event (Ministry of Justice 2014: 3).¹³ Despite increasing the formal transparency of the process, the set-up remained restricted to a one-way provision of information. Civil society representatives were able to observe the exchanges between EU and Serbian officials on a screen, but could not intervene themselves. Moreover, the highly technocratic character of the provisions discussed made the exercise rather dry, with many participants leaving after the opening speeches and one interviewee judging that the session had been “seemingly open, but not really open” (interview with EMinS, October 2013).

¹³ The author personally attended the live streaming of the explanatory screening session on 25 and 26 September 2013.

In the run-up to the bilateral screening on chapter 23, the CS Office pushed for the formal involvement of civil society actors in the preparation of the input requested by the European Commission. Upon the insistence of the Ministry of Justice, in charge of negotiations in chapter 23 and eager to test CSOs' capacity to participate at eye level with the Ministry's officials, over 100 organisations were invited to complete the official form on existing national legislation and potential gaps (interview with CS Office, October 2013). The CS Office itself was more sceptical of this approach, but followed up with leading organisations in personal phone calls to emphasise the importance of providing input in the desired form in order to enhance the credibility of civil society actors vis-à-vis the Ministry of Justice (interview with CS Office, October 2013). A CS Office employee with a background in the civil society sector expressed wariness with this approach:

My greatest fear is now that the Ministry of Justice will use this to point out how useless CSO input is after we pushed so hard for CSO inclusion, and CSOs will feel like we failed them in asking for input in such a form. (interview with CS Office, November 2013).

Indeed, reactions from the targeted organisations ranged from surprise to outright anger. One interviewee voiced he was "shocked" upon receiving the email and considered the chosen approach "a humiliation for civil society organisations" (interview with civil society activist, October 2013). Questioning the technocratic nature of the consultation process, another claimed that "I have no idea which is the number of the law in this field, but I can tell you exactly what the problem is with implementation" (interview with EMinS, October 2013). A further deplored that what was needed was issue-based, not document-based participation of CSOs (interview with CEAS, October 2013). The initiative eventually received five separate responses, two of which came from coalitions of CSOs, and was considered by the Director of

the CS Office to be a success (interview with CS Office, November 2013; Ministry of Justice 2014: 3).

Following the bilateral screening, which remained confidential upon the EU's insistence (interview with SEIO, December 2013), the CS Office and the Ministries of Justice and Interior jointly organised a debriefing meeting on the results regarding chapters 23 and 24. The debriefing session took place a few days after the meeting between EU and Serbian officials on the premises of the Serbian government, and was attended by the Chief Negotiator, the two heads of the negotiating working groups for chapters 23 and 24, and representatives of the CS office. On the civil society side, it gathered 27 representatives of organisations active in the rule of law sector (Ministry of Justice 2014: 4), with all participants seated around a large table.

Whereas the atmosphere was rather positive overall, the civil society actors strongly insisted on the need for transparency both regarding the persons in charge of specific dossiers and regarding the priorities emphasised by the European Commission.¹⁴ Eventually, both the questions posed by the Commission and the officials in charge of sub-areas of chapter 23 were communicated to civil society actors following the insistence of the CS Office (Ivana Ćirković, then Director of CS Office, at ISC conference, 13 February 2014).

Despite a number of openings, embeddedness of civil society actors at the domestic level thus remained largely restricted to one-way information. Building on the Croatian

¹⁴ The author personally attended the debriefing on the bilateral screening session on 16 December 2013. The meeting was held under the Chatham House Rule, so that no precise ascription of contents to persons or organisations present can be provided.

experience, Serbia CSOs therefore identified two separate roles they would seek to fill during their country's EU accession process: on the one hand, monitoring the government's performance and offering critical assessments to EU actors, and on the other, communicating the contents and importance of the accession process to Serbian citizens (interview with United States Agency for International Development (USAID); EU Delegation, both October 2013).

Both roles build on the Croatian experience: first through the idea of circumventing disinterested state-level actors by going directly to the EU level, and second as the recognition that the narrow outcome of the Croatian referendum on accession was largely due to the lack of information on the concrete implications of EU membership and the benefits it would bring to the wider population. The importance of engaging with citizens was one of the key messages communicated during frequent visits by GONG members (interview with EMinS, November 2014).

With regards to monitoring activities, EU actors were quickly recognised as natural allies. Serbian organisations actively sought to secure EU backing for their claims in order to bolster their position vis-à-vis government actors (interviews with FOSS, October 2013 and April 2014). The annual progress report was viewed as a useful opportunity to point out deficiencies in specific areas and "a tool" (interview with Gay-Straight Alliance, December 2013). At the same time, civil society actors emphasised an instrumental use of the 'Brussels route,' to which they explicitly resorted in order to secure added leverage for their claims (interview with Transparency Serbia (TS), October 2013). Interviewees highlighted their desire "to use the EU accession process for internal change" (interview with CEAS, October 2013) or referred to the EU as "a

strong mechanism to improve human rights and other liberties” (interview with Helsinki Committee, October 2013). In the words of a member of the PC:

Our goal is not joining the EU; I personally don't care about that. But Brussels is very important in our country, our government is listening very carefully to what Brussels says, so we speak to EU officials and ask them 'please, can you tell the government that this is important for Serbia.' (interview with PC, October 2013).

As a result, leading organisations sought to establish regular contacts with different DGs in Brussels (interview with Committee of Lawyers for Human Rights (YUCOM), December 2013) and aimed to “use each and every opportunity to keep the communication going” by reaching out to both MEPs and member state representatives in addition to the traditional Commission contacts (interview with CEAS, October 2013).

FOSS, as one of the proponents of the systematisation of civil society consultations by the EU level, has been providing input for the Commission's reporting cycle for several years. Proving the effectiveness of this strategy, it has seen several of the points it repeatedly raised eventually picked up in the Commission's assessment. These include the assessment of independent bodies in a separate section and the flagging of the abusive use of the urgent procedure in parliament (interviews with FOSS, October 2013 and April 2014). Other organisations were initially less aware of the intricacies of the consultation process, but have begun to think about how they may feed more strategically into the EU's assessments (interview with PC; BOŠ, both October 2013). The creation of a dedicated monitoring coalition for chapters 23 and 24 testifies to the combined operation of transnational learning and a strategic targeting of the EU level. The following section examines the emergence of prEUgovor in more detail.

Monitoring coalition: learning from two models

Both the lack of domestic embeddedness and a concern over co-optation in case of an overly close cooperation with government actors in the accession negotiations drove the desire of several leading organisations active in the rule of law sector to develop a strong and targeted extra-institutional mobilisation format. In devising the specific shape of the monitoring coalition, its members were able to combine lessons learned from both the Croatian and the Montenegrin experiences. The most visible result was the creation of prEUgovor, a small coalition of initially six, meanwhile seven organisations. PrEUgovor that builds on a network forged by the BCSP in May 2013 (interview with BCSP, September 2013) and was formally launched six months later.¹⁵ It was developed in response to the Commission's 'new approach' and builds explicitly on the experience of Platform 112 in Croatia in that it aims to

assure that the process of Serbia's accession to the EU is utilised in a manner that will contribute substantially to further democratisation of the country in line with European values and standards. (...) Learning from the negative experiences of Croatia (...), Serbian CSOs were prompted to act quickly and start monitoring Serbia's accession process before the negotiations even officially started. (Elek *et al.* 2015: 5).

In addition to the Croatian role model, prEUgovor members have also been able to observe the operation of the Montenegrin coalition, and to articulate their own approach by fusing lessons learned from both contexts. Initial awareness for the two existing coalitions resulted from project partnerships between individual organisations from the three countries (interview with B.a.B.e., March 2014; CRNVO, October 2014). In addition, the Serbian coalition members organised more extensive study visits to their counterparts from Croatia and Montenegro to inform themselves about their specific experiences.

¹⁵ The author personally attended the launching event in Belgrade on 1 October 2013.

A first meeting between representatives of prEUgovor and Platform 112 took place in Zagreb in April 2014 thanks to a small grant from French Embassy. This direct exchange allowed prEUgovor members to ask more specific questions on the Platform's advocacy strategy and the allocation of resources to different activities and targets.¹⁶ Over the space of two days, prEUgovor members also met other stakeholders both from civil society and government in Croatia, and received a detailed account of the monitoring methodology that allowed Platform 112 to increase the value of its substantial input to EU and member state actors (interview with CMS, May 2014). In May 2014, a similar study visit was organised to exchange with Montenegrin organisations and EU actors in Podgorica (interview with CRNVO; IA and CCE; CeMI, EU Delegation in Podgorica, all four October 2014).

Combining elements from the two previous models, prEUgovor initially took over the more voluntary, unfunded nature of the Croatian coalition, while being closer to the Montenegrin set-up when it comes to restrictive membership and an expectation of equal contributions to the final product of shadow reports (interview with BCSP, May 2015). During the early stages of its operation, the prEUgovor members explicitly rejected the idea of a project-based operation as a threat to the sustainability of the coalition. Instead, the coalition worked through individual contributions from its members and secured minor grants to cover costs immediately related to its activities (interview with BCSP, April 2014). The initial decision to avoid setting up the coalition as a funded activity resulted from discussions with Platform members, who had explicitly underscored that their model functioned precisely because it was

¹⁶ The author personally attended this meeting, which took place at the premises of GONG in Zagreb on 2 April 2014.

grounded in its members' commitment to its goals, rather than in the perspective of financial compensation (Platform 112 and prEUgovor meeting, 2 April 2014).

Similarly, when prompted to comment on the allocation of advocacy resources to different types of domestic and EU-level actors, Platform members emphasised the ad hoc character of their communication, with last-minute mobilisation leaving little room for careful strategic planning (ibid.). In this regard, prEUgovor follows more closely the managerial approach of the Montenegrin coalition. In terms of its internal organisation, it foresees a rotating coordination of its activities by individual members on a semi-annual basis and unanimous agreement on all procedural and substantial questions (Elek et al. 2015: 5). While new members can be admitted, the only successful application has come from the women's organisation *Autonomski Ženski Centar* (AŽC). This organisation has already applied for membership prior to the formal launch of prEUgovor and was accepted six months later (interview with BCSP, April 2014). The general understanding is that prEUgovor membership should remain exclusive and restricted to those who can offer substantial expertise in a field not yet covered by existing coalition members (interview with BCSP, April 2014).

Demonstrating the strategic adaptation to a shifting context, prEUgovor changed its approach to funding over time. While the early years of its operation served to set up the basic structures and required only limited human resources, the prospect of the imminent opening of chapters 23 and 24 has seen prEUgovor step up its engagement. Between July 2015 and July 2016, the coalition secured a grant from the Norwegian Embassy in Serbia for its regular operations. This money was used to work on establishing a methodology for monitoring several key recommendations from the

Action Plan and to fund advocacy trainings for its members as well as the creation of a dedicated website (personal communication with BCSP, June 2016). As a follow-up, the coalition recently applied for a major CSF grant under a scheme dedicated to monitoring activities in the area of the rule of law. If successful, this grant would cover the development of a methodology to assess the government track record in implementing Action Plan commitments, the employment of a number of additional researchers to cover issues related to the two chapters, as well as the increasing operating costs of prEUgovor (personal communication with BCSP, April 2016).

As was the case for Platform 112 and the Montenegrin monitoring coalition, the drafting of shadow reports to complement the EU's assessments of reform progress in the country lies at the heart of prEUgovor's approach. Illustrating a strategic usage of the Europeanisation context, the publication of semi-annual reports on the state of play in chapters 23 and 24 is "carefully adjusted so that it closely follows the annual dynamic of the accession process," with the first report published in spring when consultations for the progress report are ongoing, and a second in autumn with an update of the state of play (Elek et al. 2015: 5–6).

These reports are followed up through oral interactions with the EU Delegation, Commission officials in Brussels, and contacts in the European Parliament (interview with CEAS, October 2013). Of the three monitoring coalitions discussed in this thesis, prEUgovor is the only one that has so far been able to meet its own commitment to publish regular reports, with six separate assessments available to date, with the most recent one presented in May 2016 (PrEUgovor 2016). In line with the practice tried and tested by Platform 112 that emphasised the importance of couching demands in

terms familiar to the EU, prEUgovor's reports build on the preceding progress report and aim to refer to an existing Commission practice while asking for its extension or adjustment (interview with BCSP, December 2013).

The existence and evolution of prEUgovor demonstrate the importance of transnational learning as a mechanism that shapes the mobilisation choices of civil society actors in accession countries that are further behind in their membership negotiations. At the same time, the introduction of a monitoring coalition in Serbia went far beyond the emulation of earlier models. Instead, it shows clear signs of strategic adaptation of prEUgovor to the Serbian context, both when it comes to its internal organisation and to its interactions with domestic actors as a complement to EU-level engagement.

Contrary to the perception that CSOs in candidate countries act to promote EU integration as a goal in and of itself (see Stewart 2008), the prEUgovor members agreed not to change their organisations' profiles by including EU accession among their aims. Instead, they decided to focus on thematic input and the advancement of reforms at the domestic level. Following an approach grounded exclusively upon expertise and fact-based input, prEUgovor aims to "go both ways, push the government but also push the EU when we think they're not going in the right direction" (interview with CEAS, October 2013).

In light of prEUgovor's narrow membership, it is interesting to highlight that there was initially a potential parallel monitoring coalition driven by the five organisations united under the Human Rights House (HRH) (Belgrade Centre for Human Rights, CI,

Helsinki Committee, PC, and YUCOM). Following the initial encounter facilitated by the Serbian CS Office, the HRH also exchanged with Platform 112 and the Montenegrin coalition on their experiences (interview with CI; PC, both October 2013). It publicly presented its first shadow report on chapter 23 in December 2013, inviting both Serbian and EU officials to attend the event. The report drew detailed criticism from the TS representative – a prEUgovor member – present at the meeting, who pointed to several factual errors regarding HRH’s assessments in the field of anti-corruption.¹⁷

Despite the Platform’s emphasis on the fact that its strength derived from it presenting a single voice for Croatian civil society, prEUgovor members rejected the possibility for cooperation, let alone a merger of the two coalitions, on the basis of differences in work ethics and the lack of in-depth research substantiating the claims advanced by the HRH (interview with BCSP, September 2013; personal communication with TS representative at presentation of HRH report, December 2013). One of its members discarded the idea of becoming “an overarching platform of all CSOs.” Instead, he underlined prEUgovor’s internal consensus that “it’s so easy to become discredited, if one organisation inside the coalition gets discredited, the whole coalition loses its credibility” (interview with prEUgovor member, October 2013).

This refusal to open prEUgovor to other organisations points to the existing competition in the Serbian civil society sector and raised some eyebrows among other CSOs. One activist from an organisation outside the HRH commented that “I respect that they have been organizing, but they are excluding some organisations” (interview

¹⁷ The author attended the public presentation of the HRH shadow report in Belgrade on 18 December 2013.

with Serbian activist, October 2013). The exclusive approach of prEUgovor in fact stands in marked contrast to Platform 112 that willingly differentiated between ‘active’ and ‘supporting’ members, expecting only those organisations in the first category to fully contribute to the definition of the coalition’s activities and the drafting of its reports, while the majority of members simply tacitly agreed to underwrite the Platform’s demands. Yet, the Platform members refrained from commenting on the division within the Serbian sector. Its members preferred to present their experience as a rough guideline rather than a precise model, and insisted on the need to adapt their experience to varying domestic contexts (interview with GONG, April 2014; CMS, March 2014).

In sum, prEUgovor has so far been the most successful of the three monitoring coalitions discussed in this thesis, in part thanks to its ability to effectively translate the experiences of Platform 112 and the Montenegrin monitoring coalition into a model that has the capacities and expertise to engage substantially in the accession process. Still, its activities occur largely outside official channels, and its exclusive membership confines its mobilisation to a small section of the civil society sector. The following section discusses more in-depth the emergence of the NCEU as a semi-institutional mobilisation format that has become the principal channel for civil society involvement in Serbia’s accession process.

Semi-institutional mobilisation through the parliament

The NCEU emerged in response to the increasingly obvious reluctance on the part of Serbian state bodies to create a formal channel for civil society involvement in the accession talks, which pushed Serbian CSOs to think about possible alternative forms

of engagement. This reflection was guided by the previous experiences in Croatia and in Montenegro. In the words of a member of the EMinS, the driving force behind the relaunch of NCEU:

If nothing changes, we will continue monitoring in any case. But if we want to be consulted in the process, we need to think about what is the right format. Serbia needs to avoid the error of Montenegrin organisations of being too closely associated and the error of Croatian organisations in remaining excluded from the accession process. (interview with EMinS, October 2013).

As with the national conventions in Montenegro, the adoption of the NCEU in Serbia can be traced back to an effort of direct diffusion through the SlovakAid-funded SFPA project. In fact, Serbia was the first of the target countries to benefit from trainings and financial support in view of exporting the convention model beyond Slovakia, with an 18-month project launched already back in April 2006. During this period, Serbia was preparing to sign a SAA as a first institutional framework for its approximation with the EU. Aiming to foster greater legitimacy and open debate on issues related to the imminent membership talks, the SFPA project explicitly set out “learning and transfer of knowledge from the excellent and successful model of the NCEU from Slovakia” as its approach (Slovak Foreign Policy Association: 4). Two project coordinators from EMinS were invited for a four-week training and study visit to Slovakia, where they attended meetings with both government and CSO representatives and participated actively in the preparation of a working group session of the Slovak National Convention (*ibid.*). Following the study visit, a total of six sectoral working groups were created in Serbia that gathered state, private and non-governmental actors and covered topics ranging from regional cooperation to goods and agriculture.

However, the project implementation ran into a number of external problems: following a lack of cooperation of Serbia with the ICTY, the EU suspended the SAA talks as of May 2006. Moreover, the difficult formation of a new government following parliamentary elections of January 2007 significantly impact the working groups during the first half of the year, since official representatives were often not available for collaboration. Finally, the extension of the project until August 2008 coincided with the unilateral declaration of independence by Kosovo in February 2008, which relegated the issue of EU integration to a secondary position. Thus, while the SFPA project laid the groundwork for establishing the Serbian NCEU as an institutionalised discussion platform, the project's initial impact remained limited.

The SFPA's completion report makes two interesting observations on the project outcomes. First, it highlights the lack of interest of government officials in participating in the format given the low fees paid for their attendance (*ibid.*: 28). Second, it points out that while Serbia can learn important lessons from the Slovak experience, "these lessons cannot be mechanically implemented having in mind [the] different socio-economic and political situation in Serbia" (*ibid.*: 28). Foreshadowing the development of the Serbian NCEU, the report concludes that once European integration has become the overriding goal on Serbia's political agenda, the past cooperation between the SFPA and EMinS could become a valuable asset in promoting societal debate on issues related to this process.

Following a lengthy existence of the NCEU as a more marginal, irregular forum for debate between civil society and state actors, the formal preparations for the opening of accession did indeed trigger its revitalisation. In May 2014, the NCEU was officially

relaunched under the coordination of EMinS, and has since established itself as the main forum for exchange between state and civil society actors. Starting out from an initial group of 17 organisations, it meanwhile gathers almost 700 members in 21 working groups that cover all of the 35 acquis chapters to be negotiated (Maja Bobić, Civil Society conference, 25 February 2016). Government officials are invited to provide initial input for the sessions, but the working groups themselves are composed almost exclusively of representatives from the civil society sector, including mainly CSOs, but also a number of faculties and research institutes as well as trade unions and business associations.

Participation is explicitly open to any CSO willing to join, which has resulted in the NCEU becoming the main form of mobilisation for a large number of organisations seeking to feed into the EU accession process. Giving up on its tentative plans to create a parallel monitoring coalition to prEUGovor, the HRH eventually chose to channel its activities through the NCEU, where one of its members, YUCOM, heads the working group on chapter 23 (interview with CI, November 2014). PrEUGovor itself has upheld its extra-institutional mobilisation and refused to join the NCEU as a coalition so as not to “mix identities” (interview with BCSP, April 2014). However, the BCSP accepted to head the working group on chapter 24, and four of the remaining prEUGovor members also participate in the convention in an individual capacity.

Critical voices reject the idea of the NCEU a unique forum through which civil society actors express their voice (interview with CEAS, October 2013). Alluding to its endorsement by the Parliament, a prEUGovor member deplored that government bodies wanted civil society to come together in a single format, but “we’re not an army

and don't want to organise that way" (Platform 112 and prEUgovor meeting, 2 April 2014). A BCSP member emphasised instead the complementarity of prEUgovor and the NCEU: while the former seeks to provide substantial input for the membership negotiations, the latter offers a platform for exchange with government actors and engagement with the wider public (interview with BCSP, April 2014).

BOŠ is the most prominent among the organisations that decided not to become involved in the NCEU working groups at all. It considers the NCEU to be an unnecessary intermediary preventing direct exchanges between CSOs and state bodies which, due to its semi-institutional set-up, "could jeopardise the independence of CSOs" (personal communication with BOŠ, June 2016). Instead, BOŠ has developed an alternative format titled *Progovorimo o pregovorima* ("Let's speak about the negotiations") that received a three-year grant from the OSF (interview with BOŠ, April 2015). Launched in September 2013, the initiative consists mainly of a website assembling all relevant information and official documents on the EU accession process in a single place as well as a petition open to signatures by CSOs to enhance the transparency of the negotiations (Božović et al. 2015: 33). Summarising the varying mobilisation choices made by Serbian CSOs, the figure below provides an overview of the overlapping memberships in the different mobilisation formats.

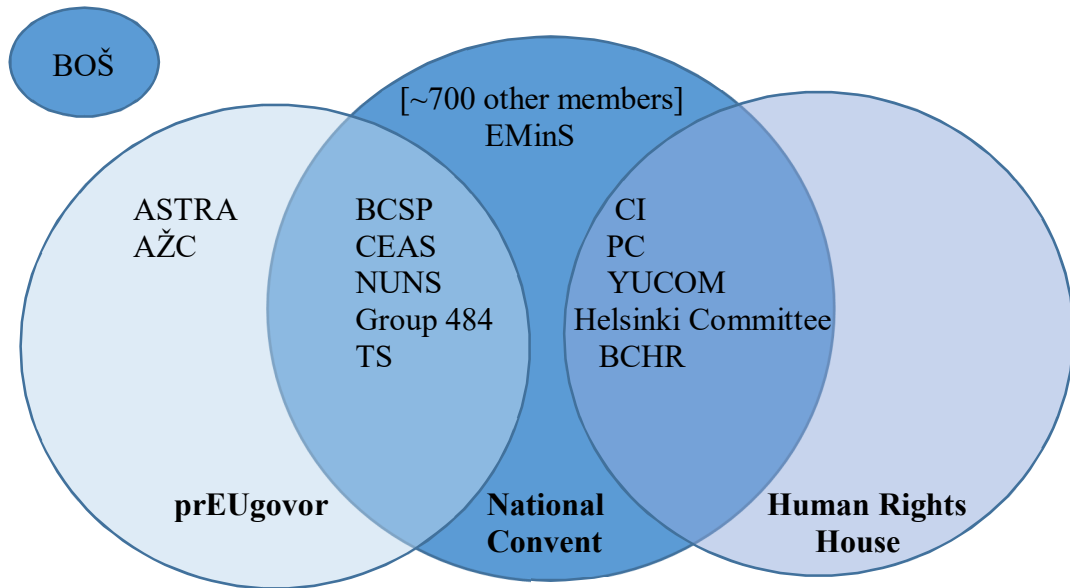


Figure 9. Overview of membership in different mobilisation formats.

Intermediary conclusion

On the whole, the chronological position of Serbia within the EU enlargement process has allowed Serbian CSOs to draw on a refined strategy on the EU’s side with regards to both civil society support and the enlargement process as a whole. Furthermore, they benefited significantly from the insights and experiences of organisations in Croatia and Montenegro. Transnational learning played a crucial role in expanding the repertoire to comprise innovative forms of extra- and semi-institutional mobilisation inspired by previous practices. In terms of venue choice, the lack of formal inclusion of civil society actors at the domestic level has favoured a focus on the ‘Brussels route,’ albeit alongside engagement at with national officials.

An analysis of mobilisation formats showed the emergence of a strong overarching umbrella platform for civil society involvement in the form of the NCEU that is both inclusive in terms of membership and comprehensive regarding the scope of issues covered through its work. At the same time, a smaller coalition of CSOs has emerged

with the explicit goal of monitoring the progress in the rule of law. On the whole, Serbian civil society actors have been able to position themselves both early and strategically already prior to the opening of chapter 23. The following section provides an initial assessment of the extent to which this early awareness has translated into effective empowerment at the domestic level.

Mobilisation outcomes: waiting in the wings

The Croatian case offered two crucial insights for civil society actors in other accession countries. On the one side, late mobilisation pre-empted a more sustainable shift in state-civil society relations that could have carried over into the post-accession phase. On the other, the intense EU leverage and near-exclusive focus on chapter 23 during the final months of Croatia's membership negotiations offered a rather favourable climate for at least temporary empowerment in this area (interview with CMS, March 2014). In Serbia, the sluggish opening of negotiation chapters, and in particular the repeated postponement of the opening of chapter 23, represent a serious obstacle for the fruitful involvement of civil society actors in reform processes relating to the rule of law.

More so than was already the case for Montenegro, where negotiations on chapter 23 have been ongoing since December 2013, the assessment of mobilisation outcomes in the rule of law can only be preliminary for Serbia. The following discussion therefore begins by outlining the relative degree of procedural empowerment that civil society mobilisation in Serbia has produced to date. It then highlights the added leverage expected to result from the opening of chapter 23. The final section addresses the

expectations of Serbian CSOs when it comes to their role in complementing EU leverage throughout the accession process.

Procedural empowerment: a first step towards influence?

The early phase of Serbian civil society mobilisation focused very much on devising an appropriate format for involvement in the accession negotiations, in the absence of an official channel provided by the government. In the meantime, the existing formats have become largely consolidated and have refined and clarified their objectives and modes of operation. Very much in contrast to the Croatian case, Serbian CSOs have thus achieved a high level of preparedness when it comes to strategically positioning themselves already prior to the opening of chapter 23. In line with the commitment to civil society involvement included in Serbia's opening statement for the accession negotiations, efforts have since centred on establishing direct contacts with state-level actors. In this sense, the widespread recognition of the NCEU as an instance of procedural empowerment merits closer discussion.

In a key adaptation to the Slovak model which was located within the government office, the closest official partner of the Serbian NCEU is the National Assembly. This is the result of a long-standing cooperation between EMinS and the Parliament's EU Committee. Already back in 2004, when the National Assembly adopted its first resolution on the EU accession process, EMinS had been closely associated in the drafting procedure and was formally acknowledged in the resolution itself (Serbian Parliament 2004), remaining a non-voting member in the EU Committee's sessions ever since (interview with EMinS, October 2013).

Once the opening of membership talks became imminent, the EU Committee reached out to EMinS to discuss how to include civil society actors in the process (interview with National Parliament, September 2013). Consultations resulted in an update to the Parliament's 2004 resolution which was adopted in December 2013. In the new resolution, the National Assembly asked to be informed about negotiating positions before they were adopted by the government, and emphasised the importance of involving all stakeholders, including civil society actors, in the accession process (Serbian Parliament 2013). Following the acceptance of this request by the government, the EU Committee in June 2014 adopted the decision to wait for input from the relevant working group prior to adopting a parliamentary position on accession-related topics (Serbian Parliament 2014). This move established the NCEU as de facto institutional mechanism for civil society participation in the negotiation process (see (Božović et al. 2015: 26).

Since its relaunch and the explicit linkage of its work to the EU accession negotiations, the NCEU has achieved a significant degree of procedural empowerment (see (Elek et al. 2015: 2). The government's 'Decision on Establishing the Negotiating Team for Accession of the Republic of Serbia' explicitly recognised the NCEU as a mechanism for communicating the developments, content and important documents regarding accession negotiations, including negotiation positions, to the interested public (Božović et al. 2015: 31). Moreover, a set of guidelines adopted to regulate the interactions of the negotiating team and the NCEU further testifies to the procedural empowerment achieved through this format (Negotiation team of the Republic of Serbia 2015).

The aim of the NCEU is three-fold: to provide input on the various Action Plans to be adopted for the different negotiation chapters, to monitor the implementation of Action Plans once adopted, and to inform citizens on the progress of membership talks (interview with EMinS, November 2014). At the government level, the NCEU has been recognised as an efficient channel for communication with civil society, with some Ministries now bypassing the CS Office to exchange directly with convent members on matters related to the negotiation chapter(s) under their coordination (interview with CS Office, April 2015).

The EU level similarly endorsed the NCEU as a useful channel for civil society involvement during the accession process. The 2014 progress report mentions the creation of the NCEU on its very first page, underlining that it has been

set up as a platform for cooperation with civil society in the accession negotiation process (...), which should materialise in increased consultation of civil society throughout, especially at times of particular economic and social challenges for Serbian citizens. (European Commission 2014c: 2).

Yet, the 2015 report reiterates that “further systematic involvement of parliament and civil society in the accession process is needed” and underscores the importance of a “transparent dialogue between CSOs and other state institutions” (European Commission 2015a: 7).

This points to two of the more problematic aspects of the NCEU. First, despite the fact that its direct connection to the National Assembly’s EU Committee offers NCEU members an institutional ally for their demands, parliaments are traditionally weak actors in the enlargement process, in comparison to the dominant role of national governments (Grabbe 2001). Second, a lack of timely access to information and the

absence of any obligation on the side of the government to take CSO input into account weaken the potential of the NCEU when it comes to substantial empowerment and the ability of its members to feed into actual policy outcomes (Elek et al. 2015: 3).

On the whole, the combination of joint efforts on the part of civil society and political backing for their recognition has afforded Serbian CSOs an increasing degree of procedural empowerment. Still, it is questionable to what extent this recognition is a reflection of an actual change in government attitude towards inclusive policy-making. Instead, government openness may rather be a response to increased EU pressure in favour of civil society involvement, with which the government complies with pro forma. Moreover, the transparency of the accession process still represents an important obstacle to their effective mobilisation, as the following section demonstrates. On the whole, the transition from procedural to substantial empowerment appears neither straightforward nor an inevitable outcome of advancements in the membership negotiations.

Monitoring and transparency: two sides of one coin

Transparency is a crucial precondition for the effective engagement of civil society actors, and as such already proved to be a key concern in the Croatian and Montenegrin experiences (Škrabalo 2012; Marović and Muk 2015). Where civil society actors have no access to information on the substance and progress of membership negotiations, there is little material they can build upon for their own work. This is especially true when it comes to the monitoring of commitments entered into by national governments, where the existence of a clear baseline against which to evaluate progress is an indispensable precondition for the effective conduct of civil society

activities. Yet, despite affirmations to the contrary, the transparency of the Serbian accession negotiations so far has been partially lacking, especially with regards to the more sensitive issues covered under chapters 23 and 24 (and 35, relating to Kosovo).

In both chapters, the elaboration of the initial Action Plans saw the Ministries in charge “very much in a rush,” resulting in the Action Plans themselves being of rather low quality (interview with CEAS, October 2014). In the case of chapter 23, the Commission requested several revisions of the Action Plan (interview with BOŠ, May 2015), with the third draft eventually adopted by the European Commission in September 2015 (B92 2015). CSOs were involved to a limited extent in the elaboration of the Action Plan for this chapter, whereas chapter 24 remained entirely closed for external input, prompting the joint activation of the NCEU and prEUGovor to call for more openness. A comparison between the two processes highlights the remaining shortcomings at a more general level.

In the case of chapter 23, the Ministry of Justice made available the Commission’s screening report and reached out to CSOs to become involved in the negotiations through a public call on its website (Government of Serbia 2015: 3). This more collaborative approach was facilitated by a Technical Assistance and Information Exchange (TAIEX) expert mission sent by the European Commission that elaborated a methodology for the inclusion of civil society actors in the preparation of the Action Plan at various stages of the drafting process (Božović et al. 2015: 38; Government of Serbia 2015: 4). Concretely, CSOs were asked to propose activities that would allow the government to demonstrate preparedness in a specific area contained in the chapter. Following two rounds of consultations, the Ministry of Justice issued a report setting

out the extent to which activities proposed by civil society actors for incorporation into the Action Plan were effectively included therein (Ministry of Justice 2014).

On paper, the consultation effort appears both unusually comprehensive and indicative of a rather important degree of substantial empowerment on the part of civil society actors: of a total of 254 activities proposed by CSOs, 72 were accepted (28 per cent), 51 partially accepted (20 per cent), while 131 were rejected (52 per cent) (Ministry of Justice 2014: 5). Still, the actual implementation of the exercise met several limitations and resulted from the significant involvement of additional EU and domestic actors.

First, the timing of the consultation – the first round was launched in late July 2014, just before the traditional summer break for both state institutions and CSOs – resulted in only five responses being received during the initial round. Nine additional CSOs offered input following a second call launched after the finalisation of the first draft of the Action Plan in September 2014. Second, participation remained confined to proposing additional activities, as opposed to evaluating those put forward by the government or the basis upon which they were adopted. Third, the set-up of the consultation process was greatly aided by the EU-mandated TAIEX mission, suggesting a non-negligible effect of the Commission's expertise and resulting close scrutiny of the implementation of recommendations.

Most crucially, the CS Office had hoped to use chapter 23 to create a model for civil society involvement in the remaining chapters, and therefore invested significant efforts into pushing the Ministry of Justice towards greater openness and effective consultations (interview with CS Office, October 2013). However, despite the overall

positive experience, chapter 23 so far remains the only one to have seen extensive consultation of CSOs in the elaboration of the Action Plan. The situation in chapter 24, the other negotiation area closely monitored by prEUGovor and a number of other organisations, was of an entirely different nature.

Starting from a similarly open stance, the Ministry of Interior had agreed to the live streaming of the explanatory screening session for civil society actors and participated in the joint debriefing session on the bilateral screening for chapters 23 and 24. However, it refused to provide a possibility for CSOs to feed into the preparations for the bilateral screening session, along the model devised by the CS Office and the Ministry of Justice for chapter 23 (interview with CS Office, November 2013). Following the publication of the screening report for chapter 24 in July 2014, the Ministry of Interior initially called for input by civil society actors through a press release, but failed to organise a meeting due to alleged scheduling problems (Božović et al. 2015: 39). Nonetheless, it sent a draft Action Plan to Brussels in early September for review, publishing it for CSOs only once it had been formally submitted (ibid.: 39; interview with EMinS, November 2014). This practice provoked strong discontent among CSOs seeking to feed into chapter 24. Indicating the importance of the matter, the following report by prEUGovor mentions a change in the Action Plan consultations among its three key requests:

CSOs need to be effectively included in the process of drafting the Action Plans for chapters 23 and 24. The Government's practice is to submit Action Plan drafts to the EC for comments while at the same time having consultations with Serbian CSOs, which raises the questions as to how meaningful this process actually is. (PrEUGovor 2014: 7).

The failure on the part of the Ministry of Interior to make the draft Action Plan for chapter 24 public resulted in a significant degree of mobilisation by CSOs. In December 2014 the BCSP, as the coordinator of the NCEU working group on chapter 24, filed a joint request for access to information to the Ministry of Interior signed by a total of 54 organisations, including NCEU members, the prEUgovor coalition, SEKO participants as well as a number of CSOs that remain outside these mechanisms (Belgrade Centre for Security Policy 2014; Božović et al. 2015: 39-40). This initiative eventually led to the publication of the second draft of the Action Plan for chapter 24 in January 2015, as well as a joint session of the NCEU working group on chapter 24 and the corresponding negotiation group. This meeting resulted in the adoption of a series of requests by the NCEU working group regarding the second draft of the Action Plan (ibid.: 40).

While the significant mobilisation of civil society actors in this particular instance proved successful, there is a general sense that the space for civil society involvement seems to be narrowing as the negotiations progress. This echoes the experience of Montenegro, where inclusiveness was high during the preparatory phases of the accession talks, but has waned since negotiations have become more concrete and centred on the implementation of adopted commitments. Moreover, mirroring the Croatian experience of a shift in state-EU relations following the closure of negotiations, Serbian activists have also noted the increasingly intergovernmental nature of the accession process. This is ascribed to the fact that the Serbian government has reached an initial threshold in basic compliance, leaving less space for civil society actors to intervene with critical views (interview with CI, November 2014).

In August 2015, the Serbian government adopted changes to the negotiating framework that foresee that negotiating positions for individual chapters remain confidential until the corresponding negotiation chapter is opened (Božović et al. 2015: 38). In practice, this hampers the effective engagement of civil society actors, given that they cannot prepare adequately without knowing the precise contents of what is to be negotiated. The new regulation has enhanced the impatience with which civil society actors await the opening of chapter 23 as a means to bring clarity on the substance and the specific benchmarks to be discussed. Moreover, CSOs expect this step to increase the EU leverage upon which they can build in their own advocacy efforts. Yet, these high expectations are also indicative of a potential overreliance on EU pressure that proved detrimental to the sustainable empowerment of Croatian civil society actors. It is this conundrum that the following section tackles.

EU leverage and its limits: now or never?

Thanks to lesson-sharing by Croatian and Montenegrin CSOs, Serbian organisations have come to appreciate the accession negotiations as a distinct window of opportunity to push for the changes they are seeking at the domestic level. In view of the imminent opening of chapter 23, it is interesting to distinguish between two slightly differing interpretations regarding the significance of full-fledged accession that exist among Serbian CSOs.

On the one hand, there is the more rational, opportunistic appreciation of the accession talks as an opportunity to shape domestic policies more effectively thanks to an increase of EU leverage and the possibility of relating CSO requests to existing accession conditionality. In this view, the drafting of Action Plans for the chapters

relating to the rule of law, despite the limitations discussed above, have provided a first occasion for CSOs to feed into the actual substantial outcomes of the EU accession process. The expectation therefore is that the opening of formal negotiations in chapters 23 and 24 will provide further concrete reference points for the monitoring activities of watchdog-oriented organisations.

PrEUgovor, for instance, explicitly sees its role as providing precise indicators for each benchmark contained in the process, and monitoring the fulfilment of these indicators throughout the membership talks (interview with BCSP, December 2013). In a similar vein, an interviewee from the CEAS posited the need for a balance between the tempo of negotiations and the depth of reforms:

There is an equilibrium between the speed of the process and the quality of reforms. If the process is too fast, the quality is low, but if it grinds to a halt, the EU no longer has any substantial influence on reforms in the country. (interview with CEAS, October 2013)

Similarly, a YUCOM representative described the accession process as “really a chance” and an “open door” to push for the implementation of adopted changes, with upcoming benchmarks particularly helpful “to show where Serbia stands” (interview with YUCOM, December 2013).

On the other hand, some interviewees expressed a more emotion-guided, apprehensive perspective that sees the accession process as a realm of ‘now or never,’ with reforms frozen on the date of EU entry, and the need to maximise the change obtained during the negotiations before an almost inevitable stagnation or even backlash post-accession. This sentiment was very tangible among Croatian civil society activists, with one suggesting that:

we will warn our Serbian colleagues that what they obtain until accession is what they will get, any change afterwards is very complicated and lengthy. (interview with B.a.B.e. March 2014).

This messages resonated with certain Serbian organisations, with one claiming that “we need to get as much as we can during the process, because afterwards it will probably be too late” (interview with HRH member, October 2013). Highlighting the simultaneous enthusiasm and anxiety, another member of the HRH claimed:

We are so happy that this negotiation process started, it's much more important than membership. We as CSOs need to use this process and work very hard to change the country during the process, over the next six, seven, ten years. (...) I'm so scared of the Bulgaria scenario, once you're in the EU it's all over. (interview with PC, October 2013).

The coexistence of the two interpretations means that civil society actors in Serbia will seek to maximise the benefits they can reap from the formal opening of chapter 23 and the resulting increase in EU pressure. Thanks to the lessons learned from previous accession candidates and transnational learning that informed their mobilisation choices to date, it is likely that the use of indirect coercion coupled with framing at the domestic level will be similarly successful in shaping the EU's membership conditions and achieving important changes in the area of the rule of law. Moreover, given their early mobilisation, substantial empowerment has a chance of going beyond formal adaptation. This is all the more the case since Serbian CSOs will be able to monitor the actual implementation of adopted commitments while still benefiting from the EU's close attention in what is likely to be a drawn-out negotiation process.

Intermediary conclusion

Given that Serbia is still at an early stage of the EU accession process, the assessment of mobilisation outcomes can only be preliminary. Still, the available data suggests that Serbian CSOs have been rather successful in achieving procedural empowerment,

indicated by the endorsement of the NCEU as a channel of communication and input both by government and EU actors. Besides, transparency has been recognised as a crucial precondition for substantial empowerment from an early stage, with targeted efforts to obtain access to key documents related to the membership negotiations.

Existing mobilisation formats appear to complement rather than compete with each other, allowing CSOs to use both formal channels where possible, and extra-institutional ones where necessary. While it is too early to tell the precise outcome of mobilisation, the strategic positioning of civil society actors and their substantial expertise make their effective empowerment appear probable, at least while accession talks last. Whether their strengthening is of a more sustainable nature will depend on the extent to which interactions between state and civil society actors in the framework of the membership negotiations translate into improved relations and interactions in the general domestic policy-making process, which would be able to persist beyond the EU entry date.

Conclusions

Thanks to their early mobilisation and the lessons learned from previous enlargement countries, Serbian civil society actors have been able to position themselves rather favourably from the start of the formal membership negotiations. Mobilisation choices suggest the strong presence of transnational learning, with both of the most prominent formats, the NCEU and the monitoring coalition prEUgovor, directly inspired by earlier experiences in neighbouring countries. Due to a lack of domestic embeddedness, there has been a strong and strategic emphasis on the ‘Brussels route,’ though engagement at the national level has been pursued in parallel.

At the opening of formal accession talks, civil society actors had achieved a rather significant level of procedural empowerment and have been pushing for transparency during the negotiations in order to feed substantially into the process. While a final evaluation of mobilisation outcomes would be premature, there are clear signs of a conscious and creative use of EU leverage, including the intention to upload civil society demands into the EU's conditionality through indirect coercion that proved a fruitful mechanism in the Croatian and Montenegrin cases. Still, if there is a lesson to be learned from the previous experiences, it is the need to engage with domestic actors in a more constructive way, and beyond the framework of EU pressure. It is in this regard that the Serbian case will prove instructive as an instance of the extent to which both positive and negative lessons learned are incorporated into the mobilisation strategies of civil society actors in a different domestic context.

Chapter 9: Discussion

The in-depth analysis of mobilisation choices and the eventual outcomes of CSO engagement in the EU accession process of Croatia, Montenegro, and Serbia demonstrated the relevance of the proposed three-step conceptualisation of the differential empowerment process. By showing up diverging strategies and the varying degree of empowerment achieved, the three case studies highlighted the importance of incorporating domestic agency and strategic usages of shifting opportunities into the analysis of alterations in the domestic power balance. This chapter serves to bring together the empirical findings and to discuss them in a comparative manner. Mirroring the structure of the empirical chapters, it will address each of the three sub-questions posed in the introductory chapter in turn:

- 1) *How did the EU accession process shape the political opportunity structure under which civil society mobilisation occurs?*
- 2) *How and to what extent have CSOs adapted their mobilisation strategies to shifting opportunities?*
- 3) *How and to what extent did such mobilisation result in the effective empowerment of civil society actors on the ground?*

Whereas the individual case studies served to spell out the dynamics of differential empowerment in detail, the following discussion concentrates on drawing out the broader theoretical and empirical insights of this thesis, and how they relate to the existing literature.

The remainder of the chapter is organised into four distinct sections. The first section covers the structural shifts triggered by the EU accession context. It starts out by confirming the gradual professionalisation of CSOs observed in previous studies. However, it emphasises that the effects of this professionalisation have not been purely negative. Instead, they have contributed to the successful transformation of more service- or protest-oriented groups into expertise-based organisations able to make substantial contributions to domestic policy processes. Next, it points to the limitations in the EU's ability to forge effective domestic access, with candidates' compliance generally limited to legal and institutional adjustments. Where these are not matched by a corresponding shift in the political climate, they do little to improve the chances for constructive CSO involvement in the domestic policy-making process. However, the emergence the 'Brussels route' as an alternative venue for mobilisation offered a significant opportunity to CSOs. Provided they were able to recognise the opening and adjust their strategies accordingly, it enabled them to exit the national arena and to find powerful allies at the EU level.

The conscious adaptation of mobilisation strategies is the focus of the second section. Moving beyond shifts induced by the EU level, it addresses the role of domestic and horizontal dynamics in shaping the strategic choices made by CSOs. Feeding into the debate on the determinants of venue choice in multi-level settings, it argues that the degree of domestic embeddedness and target responsiveness were key to CSO decisions in this regard. Besides, it highlights the significance of transnational learning in triggering a partial convergence of mobilisation formats between different enlargement countries. The discovery and tracing of such instances of strategic diffusion and adaptation of previous models to new empirical settings is one of the

central contributions of this thesis. The section concludes by demonstrating how the widespread use of indirect coercion and framing constitute creative usages of EU leverage by civil society actors. In combination with the innovative mobilisation formats developed throughout the EU accession process, they demonstrate the independent agency of civil society actors and confirm the importance of going beyond a top-down perspective when analysing domestic change in the framework of the EU accession process.

The third section is dedicated to mobilisation outcomes. It begins by qualifying the case studies as instances of tangible empowerment of civil society actors that contrasts with earlier findings from the CEE region. Despite certain drawbacks, CSOs have achieved a considerable degree of procedural empowerment over the course of the EU accession process. While substantial empowerment remains more circumscribed, there is nonetheless evidence that a number of provisions in the rule of law area were at least indirectly shaped by civil society actors. Still, the general overreliance on EU leverage at the expense of direct engagement at the domestic level and the limited use of persuasion cast doubt upon the sustainability of civil society empowerment in the aftermath of the accession process.

In light of the comparative analysis of the empirical findings, the final section re-examines the theoretical framework set out at the beginning of the thesis. It revisits the causal mechanisms proposed in the initial framework and concludes to their empirical presence, albeit to varying degrees. Building on the preceding discussion, it specifies domestic embeddedness and target responsiveness as the two crucial domestic factors shaping mobilisation choices. Moreover, it clarifies the sequential impact of

transnational learning that takes observed outcomes in one country as a guideline for strategic adaptations in subsequent countries. On the basis of these considerations, a refined theoretical framework is put forward.

Shifting opportunities and strategic mobilisation

The first stage of the differential empowerment process presumed a shift in the structural environment in which mobilisation occurs in response to the broader dynamics of the EU accession process. Changes were expected to occur both at the organisational level, by boosting the capacities of CSOs, and with regards to the quality of interactions between state and civil society actors. Moreover, there was an understanding that shifts would not be solely triggered by the EU level, but could also occur in response to civil society mobilisation on the ground. The empirical material offers evidence for all three of these dynamics, although capacity-building measures for CSOs have produced faster results than the corresponding efforts to improve the domestic interactions between state and civil society actors. This simultaneously confirms some of the observations made in previous studies of civil society empowerment, and highlights the relevance of investigating to what extent civil society actors have been able to make use of shifting opportunities.

Professionalisation and strategic adaptation

In line with earlier findings (Maloney 2008; Fagan 2010b; Hahn-Fuhr and Worschesch 2014), all three case studies show a gradual professionalisation of CSOs in response to the increased availability of EU funding and organisations' strategic adaptation to the shifting political opportunity structure. In Croatia, this professionalisation occurred rather late and began from a comparatively low level of initial capacities in the civil

society sector (Bežovan 2005: 78; Vidačak 2011: 6-7). The fact that the Civil Society Facility was launched only three years prior to the closure of Croatia's accession negotiations, coupled with an initial disinterest in EU-related work, meant that Croatian organisations had only a short timeframe during which they could adapt their internal functioning and strategic orientation to the new opportunities provided by the EU accession process. As a result, only a limited number of CSOs successfully transformed into policy-oriented organisations able to feed actively into ongoing reform debates.

The situation was somewhat different for Serbian and Montenegrin organisations. First of all, the initial capacities of the civil society sector were overall stronger, especially in Serbia, where several of the larger CSOs boast staff numbers and organisational capacities that are greatly superior to the average in the region (Stojanović 2012: 3). In Montenegro, CSOs were able to benefit from their strong public visibility to attract both foreign funding and qualified staff. Besides, the comparatively low performance of their successive governments in the EU accession process has led to a strong emphasis on the need to include civil society actors by the EU level. Finally, the sluggish EU accession process meant that many other international donors continued to provide funding to Serbian and Montenegrin CSOs, whereas they had progressively withdrawn from Croatia.

Many other authors have deplored the effects of external funding and the ensuing professionalisation of CSOs as a process that contributes to their instrumentalisation (Fagan 2010a; Sudbery 2010) and a growing alienation between organised groups and their original constituencies (Bojičić-Dželilović et al. 2013). This thesis takes a

somewhat different stance. While it is true that external support may have shifted the strategic orientation of civil society actors and shaped their advocacy approaches, this development need neither be solely negative nor even go against organisations' own interests and goals. On the contrary, it can be seen as corresponding to a shift in the domestic political opportunity structure. A gradual improvement in the political climate no longer requires CSOs to position themselves in stark opposition to government actors, but instead is progressively opening up the possibility for a more fruitful collaboration between state and civil society actors. In this sense, professionalisation can be a welcome and perhaps even necessary adaptation to a new environment in which CSOs play a crucial role as experts and alternative voices.

This more pragmatic approach breaks with the somewhat romanticised view of the 'real' civil society as a representative of citizens' concerns (see Chandler 2004; Hann 2004). Yet, this is not to say that CSOs should function as interest groups pursuing a narrow agenda in complete disconnect from the broader population. Still, their legitimacy can derive from expertise and the ability to provide substantial input into the policy-making process, rather than from a wide membership base and day-to-day service provision to vulnerable groups. In this sense, professionalisation has opened the door for organisations to play a meaningful role in the EU accession process as a framework for democratic transformation, which is precisely what CSOs involved in the rule of law seek to achieve for their country at large.

Incomplete institutionalisation at the domestic level

As discussed in Chapter 5, the institutionalisation of state-civil society relations is the logical counterpart to an increasing professionalisation on the part of CSOs. However,

the EU has fallen short of its goals in trying to foster an enabling environment for civil society mobilisation. Instead, government compliance with calls for inclusive policy-making has generally remained limited to legal and institutional adjustments that bring only partial improvements for civil society actors. Moreover, an increased openness of the overall policy-making process has not always translated into a corresponding level of access for civil society actors to the membership negotiations. Where these remained closed to external input, as was the case for Croatia in chapter 23, civil society actors were cut off from an important source of information on the state of play and priorities being addressed in the accession negotiations.

Furthermore, the level of effective access varied over time: in the case of Montenegro, the extensive provisions for consultations at the domestic level were initially matched by the inclusion of civil society actors in the negotiating working groups. CSOs were able to contribute their expertise extensively during the preparation of the screening phase and the drafting of Action Plans. However, they quickly found themselves to be marginalised when it came to evaluating the implementation of the more sensitive reform commitments made under chapter 23. In Serbia, provisions for civil society consultations remain rather perfunctory despite extensive support from the EU's side, including a substantial financial contribution to the operation of the Office for Civil Society and the elaboration of guidelines for more fruitful engagement between CSOs and state bodies. There has therefore been a clear preference for extra-institutional mobilisation or the hybrid model of the NCEU.

The limitations in the EU's ability to forge effective domestic access for CSOs can be related to two main reasons. First, they highlight the classical discrepancy between

formal adaptation and the typically slower, incomplete implementation of adopted changes that has already been observed more generally in regards to compliance with accession conditionality (Hughes et al. 2005: 11-12; Elbasani 2013: 19). Second, they illustrate the limited tools and the lack of interest on the EU's side to follow up on formal compliance with respect to inclusive policy-making. During interviews, EU officials reiterated that it was not their responsibility to ensure fruitful state-CSO relations, much less to verify whether commitments to cooperate were respected in practice (interviews with EU Delegations, November 2013; October 2014).

When it comes to feedback effects, CSOs on various occasions secured EU backing for demands for structural changes that they had been pursuing at the domestic level for a number of years. This was the case for the creation of an Office for Civil Society in Serbia and also for the introduction of legal regulations for consultation procedures in Montenegro. However, where such changes were introduced in response to EU pressure adding onto domestic advocacy efforts, they generally did not prove to be any more effective than in cases where compliance was solely forged through conditionality. The divergence between formal improvements and a lack of political will for effective inclusion may be considered a passing phenomenon that will resorb itself over time (see Novaković 2015: 21 for such an optimistic take). Still, in the absence of a credible 'national route' for civil society mobilisation, the main contribution of the EU accession process in terms of shaping the structural environment for mobilisation consists in introducing a new arena for civil society demands.

EU as a new venue for mobilisation

The emergence of the ‘Brussels route’ as an alternative venue for civil society mobilisation represents the most significant structural shift induced by the EU accession process. The introduction of routinized consultations with civil society actors enables these to bypass reluctant state-level actors and to feed their views directly into the top-down set-up of the membership negotiations. At the same time, regular interactions with EU-level actors served to strengthen the credibility of CSOs vis-à-vis state officials and lent weight to the EU’s calls for inclusive policy-making at the domestic level.

However, the Croatian case confirms the insufficiency of an analysis that remains limited to structural changes. The low awareness on the part of Croatian CSOs for new opportunities related to the EU accession process meant that they resorted to an active usage of the ‘Brussels route’ only at a very late stage. This significantly shortened the window of opportunity during which this strategy allowed them to leverage additional pressure on the national government. In contrast, Montenegrin and Serbian CSOs were able to step up their engagement with EU-level actors from an early stage in the membership talks and to use these contacts to signal to state-level actors the importance of involving them directly in the accession negotiations. Hence, government actors repeatedly confirmed that they were aware of exchanges between EU and civil society actors, and that EU officials would refer to input received from CSOs in their exchanges (interview with Ministry of Justice, April 2014; MFAEI, October 2014).

The different extent to which civil society actors in the three case studies were able to benefit from a change in their structural environment speaks to one of the key critiques formulated towards the more rigid uses of the political opportunity structure model as an explanatory framework for mobilisation (Fillieule 2005; Goodwin and Jasper 2004b). This critique holds that opportunities only then unfold causal weight when they are recognised, with awareness for and the conscious uptake of new opportunities thus forming a crucial precondition for them having any effect at all (see Kriesi 2004: 68). In other words, opportunities exist only to the extent that they are recognised, else they do not produce alterations in actors' behaviour (see Meyer 2004: 57; Amenta and Halfmann 2012: 229-230 on 'missed opportunities'). The empirical confirmation of this insight through the Croatian case study underscores the relevance of addressing domestic dynamics as the crucial explanatory dimension when it comes to accounting for shifts in the domestic power balance.

Intermediary conclusion

The comparative analysis of structural shifts induced by the EU accession process suggests two main conclusions to be drawn from the examination of this initial stage of the differential empowerment process. To begin with, the EU accession process contributed rather significantly to shaping the political opportunity structure under which civil society mobilisation occurs. As all three case studies demonstrated, EU pressure for inclusive policy-making resulted in a number of legal and institutional adjustments, comprising improved regulations for consultation procedures and the creation of supporting institutions dedicated to civil society actors. However, the actual effects of these changes were mitigated. While the dedicated government offices in all three countries served to flank CSO efforts to improve their degree of inclusion, the

effectiveness of procedural changes was thwarted due to a lack of corresponding responsiveness on the part of the majority of state officials. This gap between structural openness and a lack of receptiveness to external claims confirms the insufficiency of formal access for movement success, highlighted in the literature on new social movements (see Hilson 2002: 242).

Rather than forging effective domestic access, the crucial change triggered by the EU accession process has consisted in the provision of an additional venue for CSO demands that has provided an important alternative arena for civil society mobilisation. Coupled with the gradual professionalisation of CSOs induced by EU funding and technical support, the emergence of the 'Brussels route' has favoured the development of creative forms of engagement that can alternatively target EU and domestic actors. On the whole then, the EU accession process transformed the structural environment for mobilisation less through an institutionalisation of state-civil society relations, and more by boosting CSO capacities and offering them the possibility to exit the national arena. The following section compares how civil society actors have incorporated these changes into their mobilisation strategies.

Adapting mobilisation strategies

The empirical analysis of evolving mobilisation strategies confirmed the willingness and ability of civil society actors to adjust their approaches to the shifting opportunities induced by the EU accession process. Three tendencies stand out in this regard. First, the lack of domestic embeddedness and responsiveness of state officials contributed to a privileging of the 'Brussels route' in terms of venue choice. Second, repertoires were strongly shaped by dynamics of transnational learning, whereby CSOs in

Montenegro and Serbia adapted earlier mobilisation formats from neighbouring countries to their own domestic context. Third, CSOs engaged in conscious and creative usages of EU leverage to strengthen their own positions and shape substantial policy outcomes. Each of these tendencies will be analysed in more detail in the following.

Domestic embeddedness and venue choice

Albeit to varying degrees, CSOs in all three cases studied have tended to privilege engagement via the ‘Brussels route’ to direct interactions with domestic decision-makers. In Croatia, this choice of venue explains itself through the relative marginalisation of civil society actors in the formal set-up of the negotiation process, which left involvement at the EU level as the default alternative. Yet, as previously highlighted, the combination of a lack of awareness for new opportunities and the comparatively underdeveloped nature of the EU’s consultations with civil society actors at that stage resulted in a late targeting of EU actors. Once the closure of the country’s accession negotiations effectively shut down the ‘Brussels route,’ Croatian CSOs resorted to a further venue shift back to the domestic level, but largely failed to secure adequate backing for their demands from either decision-makers or the broader population.

Montenegrin civil society actors, in contrast, initially benefited from an unprecedented access to the government-level working groups established for the accession talks. During the preparatory phases of the negotiations, their expertise was readily drawn upon, leading to a rather extensive use of the ‘national route’ to shape the reform commitments made by the government. However, the implementation phase saw

CSOs become side-lined by the creation of parallel structures that exclude civil society actors and a declining receptiveness of their state-level counterparts. The creation of a separate Rule of Law Council, charged with overseeing negotiations in chapters 23 and 24, is a particularly flagrant illustration of this dynamic. Following the shift from preparing to implementing reform commitments, it appears that the Montenegrin government is seeking to put a stop to an all-too-close involvement of civil society actors in the ongoing negotiations. The resulting open hostility in state-civil society exchanges has all but precluded fruitful involvement at the domestic level, increasing CSOs' emphasis on EU-level engagement.

In Serbia, the civil society sector was called upon to 'self-organise' in view of feeding into the membership talks. Thanks to the reactivation of the NCEU as an institutionalised forum for state-civil society exchanges, there is now a formal and broadly recognised channel for communication between CSOs and the negotiating structure. Coupled with the ongoing monitoring efforts by various organisations, the NCEU offers a credible alternative to interactions with EU officials. The Serbian case is therefore the most balanced when it comes to venue choice, though the recognised importance of EU leverage as a driver of domestic change signals a tendency on the part of CSOs to value EU-level engagement somewhat higher.

The analysis of venue choice feeds into an ongoing debate within mobilisation research regarding the causal factors that drive the selection of mobilisation targets in a multi-level context. Whereas the general assumption is for groups to maintain some degree of involvement at both the EU and the domestic level – a so-called 'dual strategy' (Kohler-Koch 1997: 3) – the debate has centred on the factors explaining the

preference by interest groups for a specific level of engagement. Eising suggested the degree of domestic embeddedness as an explanatory factor. However, uncertain as to the precise causal relationship between the degree of domestic access and ensuing venue choice, he put forward two competing hypotheses:

“On the one hand, it is plausible to assume a negative relation among domestic embeddedness and European activities: the closer their relations with domestic institutions are, the less interest groups would need or aspire to become involved in EU politics.” (Eising 2007: 171).

Taking the opposite perspective, Eising suggests that the relationship may also be the reverse, with close relations with domestic institutions providing groups access to information that helps them to develop more targeted activities at the EU level (ibid.: 171). He calls for further empirical research to clarify the causal impact of domestic embeddedness.

The cases analysed in this thesis lend credence to the first hypothesis. Both the observed venue shifts and the justifications provided by civil society actors for their mobilisation choices suggest that EU-level engagement is seen as an exit strategy where effective access fails to materialise at the domestic level. In Croatia, CSOs sought EU support for their demands once they realised that it was too late to set up sophisticated mechanisms of participation in the membership negotiations at the domestic level. On the contrary, the mobilisation efforts of Serbian organisations became more equally balanced between the EU and the ‘national route’ once the NCEU had been formally recognised by domestic decision-makers as a channel for communication.

A further contribution of the thesis findings to the broader literature on mobilisation concerns the quality of exchanges in the triangle formed by EU, state, and civil society

actors. Interest group research has shown a high proportion of political contention related to EU issues to be directed at member state governments, a phenomenon that has been labelled ‘domesticated’ EU protest (Imig and Tarrow 2000: 79). In contrast, the hostile political climate that still often prevails in enlargement countries with regards to state-civil society relations (Börzel and Buzogany 2010: 160; Kuntz 2011) appears to have resulted instead in what could be termed ‘Europeanised domestic protest.’ In this constellation, civil society actors take to the EU level to complain about the shortcomings of domestic governments. Effective domestic access would allow for discontent to be expressed through institutionalised channels at the national level that would make involvement of CSOs with EU actors complementary at best, if not fully redundant. However, in the absence of constructive involvement through the ‘national route,’ civil society actors resort to the ‘Brussels route’ in view of leveraging EU pressures upon reluctant domestic decision-makers.

In sum, the comparative analysis of CSOs’ venue choice demonstrates a strategic privileging of engagement with EU actors, held to be more receptive to civil society actors’ demands. This preference for the ‘Brussels route’ is explained by a lack of domestic embeddedness and the fledgling responsiveness of domestic policy-makers to external input. At the same time, it highlights the inability on the EU’s part to secure effective domestic access for civil society actors, and the resulting need for CSOs to develop innovative forms of engagement in order to enhance the chances that their voices are heard during the EU accession process.

Transnational learning: a horizontal driver of change

The considerable influence of transnational learning is one of the key insights gleaned from the in-depth study of CSOs' evolving mobilisation strategies. The chronological sequence of the chosen case studies facilitated the tracing of efforts to diffuse and adapt specific formats for civil society involvement in the EU accession process to new empirical settings. As the previous discussion showed, shifts in the political opportunity structure favoured an increase in the overall mobilisation levels, while CSOs' venue choice was guided by the degree of domestic embeddedness and target responsiveness. However, it is horizontal exchanges between CSOs from different countries that best explain adaptations in repertoire.

The case studies of Montenegro and Serbia highlighted two specific mobilisation formats that were imported from other countries. Monitoring coalitions focused on collecting input to feed into the EU's assessments of reform progress in the country were taken over from Croatia, while national conventions bringing together state and civil society actors in a joint forum for exchange followed an earlier Slovak model. The observed partial convergence of mobilisation strategies across the three case studies is relevant to the broader literature in two regards. In terms of Europeanisation research, it underlines the need to look beyond narrowly conceived top-down effects that concentrate on domestic actors' reactions to external EU incentives (see also Wunsch 2015a). When it comes to mobilisation studies, it clarifies the two-way dynamics that shape the diffusion of contentious formats between different sites.

The potential explanatory weight of horizontal influences has been recognised by a number of Europeanisation scholars. Schimmelfennig and Sedelmeier posit 'lesson-

drawing' as an alternative model in their influential study of the CEE enlargement (Schimmelfennig and Sedelmeier 2005b), but reject it in light of more convincing evidence for the operation of external incentives. Börzel and Risse investigate diffusion as a mechanism that can favour domestic institutional change beyond EU member states, with third countries adopting institutional features either following their direct promotion or through indirect emulation (Börzel and Risse 2012a). Closest to the approach adopted in this thesis, Bomberg puts forward 'policy learning' as a soft tool allowing 'teachers,' including NGOs, to export their own policy preferences to other countries (Bomberg 2007: 257). However, all of these examples concern themselves with the spread of institutions or political practices at the country level. This thesis extends the study of horizontal dynamics to the sub-state level, demonstrating how exchanges between civil society actors guided the mobilisation choices of CSOs.

It is important to emphasise the two-way nature of these exchanges. The spread of certain mobilisation formats is by no means the result of a one-sided transfer of successful models from one site to another. Nor need it be necessarily driven by the more advanced side. The case study findings did suggest a more limited influence of transnational actors as enabling forces for local CSOs that confirms similar observations in earlier studies (Langbein 2010; Parau 2010). For instance, the OSF was very vocal in pushing for an institutionalisation of EU-level consultations with civil society actors, and invested considerable efforts in preparing CSOs for this role.

However, the creation of monitoring coalitions in Montenegro and Serbia was as much – in Serbia arguably more – the result of local demand than it was the product of a

conscious desire on the part of Platform 112 to see its experiences adopted in a different context. In the case of the national convention model, it initially started as an effort of direct diffusion, funded and implemented by the Slovak side aided by local partners. However, the relaunch of the NCEU stemmed solely from an initiative driven by EMinS and was successful precisely thanks to local ownership. The demobilisation of the corresponding NCEI in Montenegro appears at least partially due to the organisers' inability to articulate its added value in a domestic context that already foresaw extensive formal access for civil society actors through a different format, namely the negotiating working groups.

The finding of a differential success of transnational learning is relevant when it comes to the study of diffusion in the mobilisation literature. Horizontal influences are more routinely acknowledged in this body of work, with contentious formats thought to spread through a "conscious process of adoption of innovations" (Koopmans 2004: 26). Besides, there is an explicit recognition that diffusion concerns not only successful models, but can also consist in learning from other's mistakes and failures (ibid.: 31). This was clearly the case for the monitoring coalitions, with the example of Platform 112 serving to highlight the need for early collective mobilisation. Finally, while previous experiences served as sources of inspiration, it is through their strategic adaptation to the new domestic context – i.e., a combination of 'teaching' and 'learning' – that they became durably anchored in a different empirical setting (McAdam et al. 2009: 265). Both the NCEU and prEUGovor confirm the importance of two-way approaches to diffusion, both at the analytical level and in order to boost the likelihood of a successful transfer.

Finally, it is important to highlight that transnational learning did not only play a role with regards to the adaptation of mobilisation strategies. Instead, exchanges between government actors from different accession countries contributed to shaping the structural environment in which mobilisation occurred. For instance, the Croatian NGO Office served as a template for the introduction of similar bodies in Montenegro and Serbia, and the Directors of the offices established close working relations (interview with CS Office, November 2013; NGO Office, October 2014). Similarly, representatives from the EU Delegations across the Western Balkans region episodically come together to share impressions from their respective countries. These meetings served for instance to coordinate the drafting of the guidelines for civil society support (interview with EU Delegation, October 2014).

The multiple ways in which transnational learning has shaped the process of differential empowerment in the three case studies further confirms the need to consider explanatory factors beyond the external incentives provided by the EU level when it comes to explaining domestic change in enlargement countries. The ‘domestic turn’ in Europeanisation studies has already emphasised the need to consider interactions at the country level that may shape adaptational outcomes (Radaelli and Pasquier 2007; Spendzharova and Vachudova 2012; Elbasani 2013). In addition, the findings of this thesis warrant a more systematic examination of horizontal influences in future studies of Europeanisation.

Creative usages of EU leverage

Following the analysis of adaptations in CSOs’ venue choice and repertoire, the final dimension of mobilisation strategies to be addressed are the specific mechanisms

activated by civil society actors in their efforts to achieve effective empowerment. The theoretical framework put forward indirect coercion, framing, and persuasion as distinct but complementary ways in which CSOs may seek to introduce their demands into the domestic policy-making process. While ample evidence was found for the first two mechanisms, persuasion was significantly weaker. This signals the ability of CSOs to use EU leverage creatively to further their goals, but also confirms once again the low quality of state-CSO relations.

Indirect coercion denotes the strategic use of the ‘Brussels route’ to upload CSO demands into EU conditionality and thus to leverage EU pressure onto reluctant domestic actors. The case studies discussed multiple instances of civil society actors jointly or individually pushing for certain issues to be picked up at the EU level and integrated into membership conditionality. Specific examples included free access to information in Croatia, the institutional set-up for the fight against corruption in Montenegro and the importance of transparency in drafting accession-related documents in Serbia. The ability to introduce such specific requests into the membership requirements set out by the EU suggests that despite the tendency on the part of EU actors to instrumentalise CSOs as sources of information, civil society actors have been able to similarly use the consultations for their own purposes. The strategic dimension of this approach becomes clear from the explicit advice provided by Croatian civil society actors to aim to extend accession conditionality in this way (interview with Documenta, May 2014).

When it comes to framing, CSOs similarly resorted to relating their demands to the EU accession process, however this time mostly targeting domestic actors. The

Montenegrin Action Plan for chapter 23 is a case in point, with civil society actors succeeding in introducing a separate section on cooperation with NGOs by presenting this aspect as one of the core elements of the EU's Lisbon Treaty. PrEUgovor uses a similar approach: while each member organisation continues to work on the substantial issues it covered prior to the opening of accession talks, the joint findings are now framed in relation to negotiation chapters 23 and 24. This enhances their relevance for domestic actors and thus the likelihood that shortcomings will be addressed in order to pre-empt EU actors from raising the need for action. In the absence of government compliance, the prEUgovor reports serve to alert the EU to remaining reform gaps in a logic of indirect coercion.

The relative weakness of persuasion in all three case studies confirms the lack of effective domestic access highlighted earlier. Where a basic agreement on mutually beneficial exchanges is absent, there is no foundation for interactions based on arguments and the desire to reach common ground. Instead, the mobilisation strategies of civil society actors in all three case studies displayed a strong EU component not only in terms of venue choice, but also with regards to the precise mechanisms CSOs used to convey their positions.

Yet, the observed shift in the Croatian case towards more direct engagement with domestic policy-makers and an outreach towards the broader population suggests that persuasion may come to play a more important role once the effectiveness of EU leverage has subsided. This would confirm previous observations that while socialisation-based mechanisms are less effective while EU conditionality is operational, they are more likely to become relevant once the accession date has

passed, and are crucial to ensuring the sustainability of adopted changes (Kelley 2004; Epstein and Sedelmeier 2008; O'Dwyer 2010).

Intermediary conclusion

The comparative analysis of the three case studies shows clear evidence for a strategic adaptation of mobilisation choices to the shifting structural environment. Venue choice appears to be determined by the degree of domestic embeddedness and target responsiveness. There is a general tendency towards a preference for EU-level engagement despite the presence of venue shift, with mobilisation moving away from the domestic level in the case of Montenegro, and towards a more balanced approach in Serbia. Transnational learning was shown to play a crucial role first and foremost in shaping CSOs' repertoires. While less present in Croatia, both the Montenegrin and the Serbian case studies contain two prominent instances of specific mobilisation formats being imported from neighbouring countries. Moreover, transnational learning affects the structural environment for mobilisation through exchanges between EU-level actors and state officials.

Finally, the prevalence of indirect coercion and framing as mechanisms of empowerment employed civil society actors in all three countries signals a strong reliance upon EU leverage to back CSO demands. In contrast, persuasion and argumentative engagement with domestic policy-makers were rather weak. While this dominance of conditionality-based approaches may be productive during the pre-accession stage, the Croatian case shows up their limited when it comes to the sustainability of empowerment. The following section, dedicated to evaluating mobilisation outcomes, will elaborate further on this aspect.

Evaluating mobilisation outcomes

Civil society actors were shown to have consciously adapted their mobilisation strategies to shifting opportunities. But were they also able to translate mobilisation into effective empowerment? This section argues that a tangible strengthening of CSOs can be observed across all three case studies. Not only were civil society actors able to secure a considerable degree of formal recognition, but they also succeeded, albeit to a lesser extent, to influence substantial outcomes at the domestic level. However, the fate of Croatian CSOs post-accession cautions against an overly optimistic assessment. Only where civil society actors are able to transfer the achievements from the negotiation process to the general policy-making set-up, and emancipate themselves from a reliance upon EU leverage, does the empowerment they manage to achieve through the EU accession process stand a chance of subsisting beyond their country's EU entry date.

Differential, but tangible empowerment

The existing literature on civil society empowerment in accession countries, be it in the CEE region or in the Western Balkans, tends to adopt a rather pessimistic tone. Scholars have emphasised the 'double weakness' of state and civil society actors (Börzel and Buzogany 2010: 159-160) and highlighted the instrumental use of CSOs by EU actors that has stripped them of the capacity to pursue an independent agenda (Fagan 2010a; O'Brennan 2013). While these problems are real, their prominent emphasis is also due to a narrow focus on the rather mitigated impact of EU support for civil society actors. This thesis assumed a different stance. Adopting an actor-centred perspective, it explicitly examined the potential for strategic mobilisation and creative usages of the EU accession process as a means for civil society empowerment.

The empirical findings clearly support the assumption that such strategic mobilisation can lead to an effective strengthening of civil society actors in candidate countries. To begin with, CSOs in all three countries have experienced a significant upgrade in their degree of formal participation in the domestic policy-making process. This has taken the form of explicit consultation procedures being introduced (Croatia and Montenegro), access granted to negotiating working groups (Montenegro) or the recognition of formats developed by CSOs themselves as official channels of communication (Serbia). More specifically with regards to the rule of law, CSO coalitions dedicated to monitoring progress in this area have become recognised as credible actors and their input taken seriously both by the state and the EU level. The fact that the monitoring coalitions were developed by CSOs themselves, outside of EU incentives or pressures, testifies to the ability of civil society actors to achieve procedural empowerment through a strategic adaptation to alterations in their structural environment.

More still, civil society actors have been able to shape substantial policy outcomes at the domestic level on various occasions. This is true not only in cases where their preferences overlap with EU conditionality and that therefore lend themselves to a ‘sandwich strategy’ of simultaneous top-down and bottom-up pressures (see Sudbery 2010). Reversing the logic of instrumentalisation, civil society actors have instead used their interactions with the EU level to upload some of their central demands into the EU’s conditionality, thereby effectively extending it to incorporate their own concerns. By demonstrating the ability of CSOs to achieve substantial empowerment throughout the EU accession process, the thesis findings contribute to the emerging, though still

marginal recognition of the independent agency of civil society actors in the context of Europeanisation (see Ketola 2013 for a case study of Turkey).

Empowerment and sustainability

The ‘boomerang’ approach has proven to be an effective strategy for CSOs seeking to strengthen their positions. Indeed, the observed importance of indirect coercion and accession-related framing demonstrate the continued relevance of EU pressures as a facilitator and reference point for domestic actors. This confirms findings from earlier studies suggesting that durable change is most likely to occur when top-down pressures and incentives are combined with bottom-up mobilisation at the domestic level (Spendzharova and Vachudova 2012; Dimitrova and Buzogany 2014; Börzel 2015: 26).

However, given the limited duration of the membership negotiations, an approach grounded predominantly on EU leverage is not without its pitfalls. The swift decline of Croatian civil society empowerment following the closure of accession talks clearly illustrates this point (see also Vidačak and Škrabalo 2014; Wunsch 2016). Not only were state-level actors less susceptible to EU pressures once an accession date had been set (see Steunenbergh and Dimitrova 2007; Böhmelt and Freyburg 2013), but the EU itself lost interest in critical input, thereby depriving Platform 112 of the use of indirect coercion it had relied on so heavily.

This finding feeds into the broader debate on post-accession democratic backsliding. Whereas early studies of the EU enlargement towards CEE tended to hail the effectiveness of EU conditionality and incentives in producing domestic adaptation (Kelley 2004; Schimmelfennig and Sedelmeier 2005c; Grabbe 2006; Schimmelfennig

2008), recent evaluations have been more cautious in light of the partial rollback of democratic institutions and fundamental rights (Böhmelt and Freyburg 2013; Sedelmeier 2014; Börzel 2015). In particular, there has been a renewed emphasis on the domestic intermediation of EU leverage as a crucial filter for the effectiveness of EU conditionality (Elbasani 2013; Beichelt and Merkel 2014). The Croatian case study confirms this relevance of domestic interactions in shaping eventual outcomes, while also cautioning against an overreliance by reform-minded actors on EU leverage in light of the only temporary effectiveness of such strategies.

In the place of EU-based mobilisation, the thesis suggests that sustainable empowerment that carries beyond the accession date hinges upon two factors. First, an early and more decisive engagement at the domestic level would leave time for legal and institutional adjustments to take hold and to produce more fundamental changes in the relations between state and CSO actors. While the privileging of the ‘Brussels route’ became the only viable strategy given the late mobilisation and domestic marginalisation of civil society actors in Croatia, this strategy simultaneously precluded their more long-term strengthening. Moreover, it limited the ability of civil society actors to wield substantial influence to those areas where their demands could be related to requirements previously formulated by the EU. In contrast, closer engagement at the domestic level would allow for the use of persuasion and arguing. Such socialisation-based mechanisms may be less effective when employed by the EU level (Kelley 2004; Schimmelfennig 2008: 920), but their regular use in domestic interactions appears more likely to result in ‘deep’ change than conditionality-driven compliance.

Second, civil society actors need to ensure that advancements made regarding their inclusion during the membership negotiations translate into an enhanced involvement in the general domestic policy-making process. In the case of Croatia, provisions on civil society consultations were actually more developed regarding policy-making at large than they were in regards to the EU accession process. However, CSOs in Montenegro and Serbia have invested much effort into carving out a formal space for themselves in the negotiation process, while neglecting the creation of similar frameworks with regards to domestic policy-making. The Serbian case is particularly striking: not only does the prEUgovor coalition thrive on its explicit articulation within the EU accession process, but even the more general set-up of the NCEU remains closely tied to the negotiations. As a result, it is unclear how these achievements will carry over into the more general policy-making process once Serbia has successfully finalised its membership negotiations. In the absence of clear regulations for ongoing involvement at the domestic level, there is a risk that Serbian CSOs may experience a similar deflation of their empowerment as Croatian organisations did in the wake of their country's EU entry.

Intermediary conclusion

In contrast to earlier findings, this thesis suggests that civil society actors in the three case studies analysed have been able to achieve tangible empowerment through their involvement in the EU accession process. This concerns not only a formal recognition of their role through a varying degree of participation in the ongoing negotiations. In addition, they have been able to shape substantial outcomes by uploading their demands into EU conditionality or by framing them in accession-related terms in interactions at the domestic level. Despite the observed progress however, the strong

reliance in mobilisation strategies upon EU leverage cautions against an overly optimistic assessment. In light of the increasing phenomenon of democratic backsliding, sustainable empowerment would require a more targeted involvement at the domestic level and an explicit effort to translate the procedural advancements achieved in the EU accession context into more general improvements when it comes to the inclusion of civil society actors into the domestic policy-making process.

Until here, the comparative analysis of empirical findings has focused on spelling out the more immediate conclusions to be drawn with regards to the phenomenon of civil society empowerment in the EU accession process. The discussion therefore focused on concrete similarities and divergences in the degree and shape of civil society mobilisation and its outcomes across the three case studies. Articulating the findings in respect to the existing literature, it emphasised how specific insights related to venue choice, repertoire or the development of mobilisation strategies may be relevant for the broader study of domestic change in the context of Europeanisation or the mobilisation of groups in a multi-level context. The final section of this chapter revisits the broader theoretical aim of this thesis, which was to unpack the process of differential empowerment and to propose a framework through which this phenomenon may be studied in other contexts.

Refining the theoretical framework

The concept of differential empowerment has so far been discussed either at an abstract level (Cowles and Risse 2001; Börzel and Risse 2003) or in respect to specific policy outcomes. Concretely, a discrepancy between an EU-level standard or regulation and the domestic status quo is thought to trigger a dynamic that allows for a relative

strengthening of those actors whose preferences overlap with the EU position. Their empowerment therefore remains circumscribed to a specific policy area, possibly even a narrow policy issue, that is causing controversy at the domestic level. For instance, Langbein showed the empowerment of Czech agri-food associations whose preferences corresponded to the EU's food safety regulations (Langbein 2010), while Parau demonstrated how Romanian civil society activists resisted two controversial development projects thanks to support by the EU and transnational networks (Parau 2009).

This thesis took as its empirical focus civil society activism in the field of rule of law reforms. However, as the empirical findings showed, CSOs were quick to make the connection between more narrowly defined rule of law reforms and the broader requirement of inclusive policy-making posited by the EU's refined enlargement process. Existing mobilisation formats, in particular Platform 112 and the national conventions in Montenegro and Serbia, therefore tended to be rather comprehensive in scope, both with regards to their membership and to the substantial requests they put forward. The resulting reach of differential empowerment thus no longer concerns a limited number of substantial adjustments related to the fight against corruption or the handling of domestic war crimes, but instead concerns the very set-up of domestic policy-making, in which CSOs seek to play a greater role. In this sense, this thesis not only proposes a specification of the process of differential empowerment, but a reconceptualization of its actual scope.

Attempting to comprehend such broader dynamics as the result of an initial misfit is clearly misguided. Instead, differential empowerment is conceived of as a more

extensive shift in the domestic power balance that is crucially tied to the strategic usage of new opportunities. The basic presumption put forward in this thesis was that of a three-step process, whereby strategic usages by domestic actors formed the crucial link between shifting opportunities and resulting alterations in the domestic power balance. Mobilisation strategies themselves were thought to be shaped not only by changes in the structural environment, but also by factors at the domestic level and horizontal dynamics in the form of transnational learning. These influences were included into the theoretical framework as additional elements shaping the process of differential empowerment.

How do the empirical findings relate to the overarching theoretical framework put forward at the beginning of this thesis? The case studies broadly confirmed the presence of the hypothesised causal mechanisms thought to connect the three presumed stages in the differential empowerment process. While evidence for the professionalisation of CSOs was ample in all three cases, institutionalisation remained partial. EU pressures contributed to legal and institutional adjustments, but largely failed to forge effective domestic access due to a hostile political culture governing state-civil society relations. Feedback effects from CSOs back to the EU level were found when it came to backing the introduction of supporting institutions for civil society actors and enhancing consultation procedures at the domestic level. With regards to the causal mechanisms connecting mobilisation strategies to empowerment, there was a clear predominance of indirect coercion and framing, at the expense of persuasion that served to flank more pressure-driven initiatives and generally remained restricted to the occasional participation of CSOs in law-drafting working groups.

Refinements to the theoretical framework therefore concentrate on specifying the relevant domestic factors that shape mobilisation strategies, shown to be the degree of domestic embeddedness and the level of policy-makers' responsiveness. Moreover, the revised framework spells out the functioning of transnational learning that feeds both directly into mobilisation strategies and serves to adjust the structural environment due to learning processes among EU and state-level actors on the basis of observed outcomes in preceding countries. The figure below recapitulates the minor revisions to the initial approach, putting forward a framework that can be used to assess dynamics of differential empowerment in other contexts.

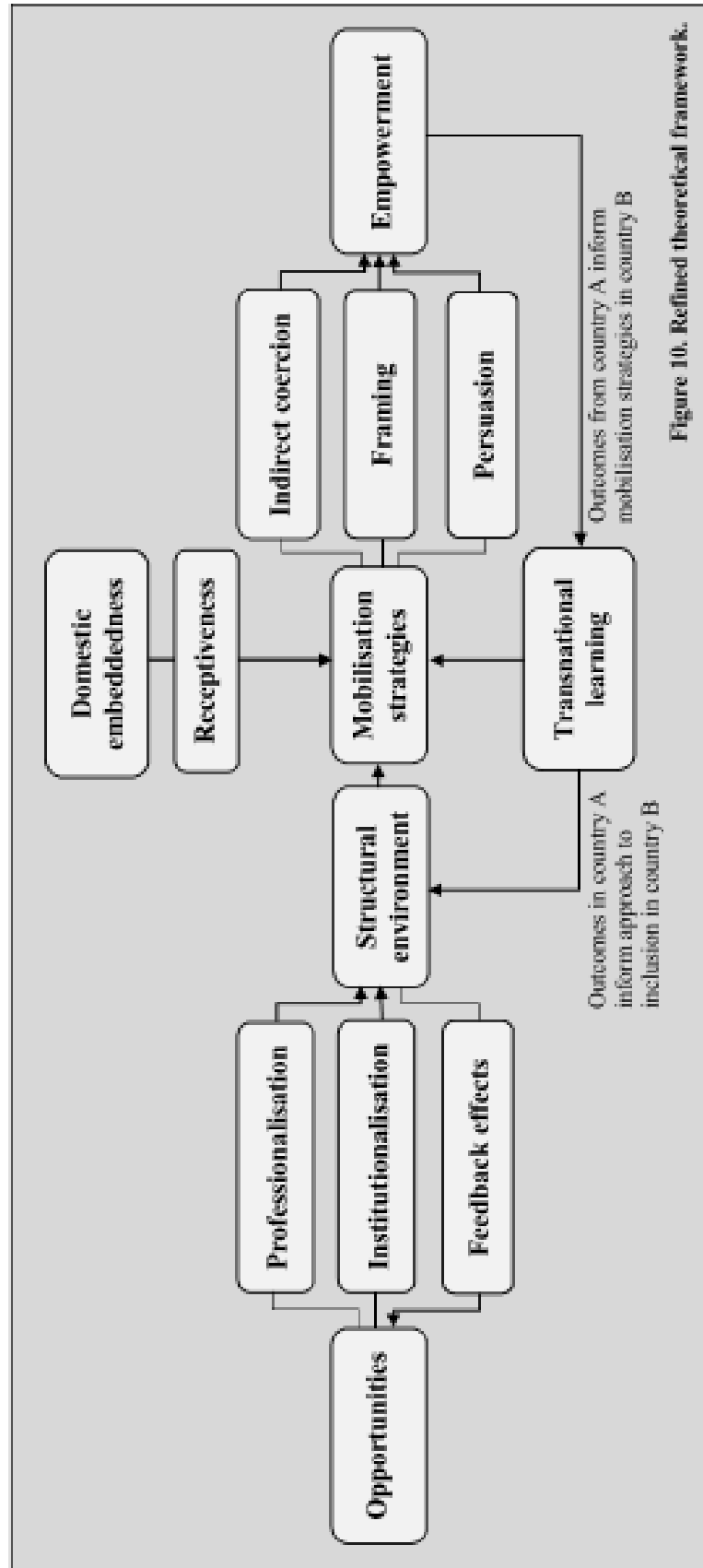


Figure 10. Refined theoretical framework.

Conclusion

Bringing together the findings from the three case studies, this chapter discussed their broader theoretical and empirical implications. Most fundamentally, it suggested that narrow Europeanisation approaches that focus exclusively on the impact of EU support upon civil society actors in accession countries tend to overlook important dynamics that influence both the form and the effectiveness of their mobilisation. While the importance of EU leverage as a facilitator and reference point for CSOs is undeniable, the presence of strategic usages and the important role of transnational learning in shaping mobilisation formats contradict the common assumption that CSOs act as mere transmission belts of EU pressures and as executive agents for the Commission.

Instead, all three cases examined contain evidence for a conscious effort on the part of civil society actors to creatively use the accession process as an opportunity both to enhance their own role in the policy-making process and to advance crucial rule of law reforms in their country. Reversing the Commission's logic, civil society actors have instrumentalised EU-level consultations to raise new aspects to the EU's attention and to extend the existing conditionality to incorporate their concerns. Besides, findings on the two-way nature of horizontal exchanges highlight the relevance of incorporating transnational learning into future studies of Europeanisation and may serve to inform investigations of diffusion in mobilisation research.

On the whole, the empirical findings have served to confirm the importance of strategic mobilisation in the process of differential empowerment. The close study of evolving mobilisation choices and the domestic and horizontal dynamics feeding into them has allowed for a refinement of the theoretical framework initially proposed. In addition,

the analysis of venue choice and repertoire hold relevant insights both for mobilisation studies and for the top-down approach to Europeanisation. Finally, the questionable sustainability of CSOs' current mobilisation strategies feeds into the debate on democratic backsliding and the long-term outcomes of conditionality-based domestic change. The following chapter concludes the thesis, setting out its distinct contributions and the practical recommendations to be drawn from its findings, their wider relevance, as well as limitations of the approach and avenues for future research.

Chapter 10: Conclusion

This thesis examined *whether, how and to what extent civil society actors have been able to use the EU accession process to empower themselves at the domestic level.*

Unpacking the process of differential empowerment, it studied the mobilisation of civil society actors from an actor-centred perspective. The empirical findings demonstrated the importance of strategic mobilisation as a crucial link between the structural shifts induced by the EU accession context and the tangible degree of civil society empowerment that could be observed across all three case studies. This chapter serves to highlight the main contributions this thesis makes to the fields of Europeanisation and mobilisation research and to set out the practical recommendations that can be derived from its findings.

The remainder of this chapter is organised as follows. The first section discusses the contributions of the thesis in light of its proposed aims and the bodies of literature within which it is situated. Next, the practical implications to be drawn from its findings are highlighted. These concern both possible refinements of the EU's approach to civil society support, and the lessons the empirical analysis holds for CSOs seeking to reap the benefits from a more forceful involvement of the EU in their countries. The chapter then addresses the wider relevance of the findings as well as the limitations of the research. It concludes by pointing to possible avenues for future research.

Contributions of the thesis

The thesis pursued two distinct aims. First, it sought to refine the conceptualisation of differential empowerment by supplementing the existing top-down approach to the concept with relevant insights from mobilisation research. This combination of Europeanisation research with social movement theory and interest group studies aimed to offer a more complete framework for the empirical study of differential empowerment across a variety of settings. Second, it aimed to provide a comparative analysis of dynamics of civil society empowerment in three enlargement countries from the Western Balkans region. In doing so, it extended previous findings from the CEE enlargement to a new empirical context and assessed the impact of a reinforced policy of civil society support on the EU's side. The following discussion highlights four distinct contributions the thesis makes to the existing literature.

First, the thesis proposed an innovative framework for the study of differential empowerment. Positing differential empowerment as a three-step process, the framework integrates elements from social movement theory and interest group research to enable the joint investigation of EU-level, domestic and horizontal dynamics in the study of shifts in the domestic power balance. It thereby expands upon previous attempts to incorporate insights from mobilisation research into the study of differential empowerment (Fairbrass and Jordan 2002; Fagan 2004; Princen and Kerremans 2008). At the same time, it offers a more comprehensive conceptualisation of the phenomenon that considers not only more closely circumscribed instances of relative power gains in relation to a specific policy issue or field. Instead, it proposes that differential empowerment can encompass a broader change in the domestic power constellations that results from the procedural strengthening of previously more

marginal actors. The theoretical framework put forward allows for the study both of this wider dynamic and for the analysis of more narrow instances of differential empowerment.

In this sense, the thesis is relevant not just in the context of Europeanisation research, but also when it comes to the study of social mobilisation. Leading social movement scholars have been advocating for a ‘mechanism-and-process approach’ the study of contentious episodes to replace the search for general covering laws (Tilly in Mische 2003). This approach proceeds through a disaggregation of contentious episodes that focuses on interactions between actors that produce the eventual outcome of such processes (McAdam et al. 2001; McAdam et al. 2009: 273). By decomposing instances of contention into causal mechanisms and re-aggregating them into processes, the proponents of this approach suggest that the field could move beyond the study of individual movements (McAdam et al. 2009: 273). The resulting identification of shared mechanisms and processes would instead highlight the relational nature of contentious politics (Tarrow 2011: 29-34).

The framework proposed in this thesis does just that: it disaggregates the process of differential empowerment into distinct stages and spells out the causal mechanisms connecting them. Given the growing relevance of EU-level dynamics for mobilisation and contention in the domestic context (Imig and Tarrow 2000; Della Porta and Caiani 2009), a framework that integrates multiple actor levels provides a worthwhile structure to the study of contentious processes in EU member states and beyond.

Second, the empirical investigation of civil society empowerment in the Western Balkans region provided partly contrasting insights with previous findings from the CEE countries. Extending the analysis beyond the top-down impact of the EU, it underlined the crucial role of strategic mobilisation when it comes to the strengthening of civil society actors at the domestic level. Moreover, it suggested that CSOs used involvement in rule of law issues as a springboard to call for their broader procedural empowerment. These findings challenge the conventional wisdom that alterations in the domestic power balance are merely the result of the enabling function of EU conditionality (Börzel 2010b). More importantly still, evidence from the case studies demonstrated the relevance of transnational learning as a mechanism shaping mobilisation choices. This result suggests that single case studies or parallel analyses of multiple cases risk exaggerating the impact of top-down dynamics or domestic factors at the expense of the effects of horizontal exchanges (see also Wunsch 2015a).

Third, the thesis feeds into the ongoing debate about the limits of the EU's transformative power in the accession context (Spendzharova and Vachudova 2012; Dimitrova and Buzogany 2014; Sedelmeier 2014). It does so on two counts: on the one hand, it sheds light on the limits of EU leverage in producing effective shifts in domestic interactions. The analysis of structural changes in state-civil society relations in all three case studies highlighted that improvements remained largely restricted to the introduction of formal, and in part merely cosmetic, channels for access. The EU's failure to foster an institutionalisation of state-civil society relations was further illustrated by the persistence of extra-institutional mobilisation and a clear preference on the part of CSOs for mobilisation via the 'Brussels route.'

On the other hand, the case study of Croatia underlined the pitfalls of a mobilisation strategy that relies disproportionately on leveraging EU pressures to achieve substantial changes. While indirect coercion may be a promising approach where EU leverage is strong, it was shown to impose important temporal and substantial limits upon civil society empowerment. This finding submits that conditionality-driven approaches are of limited effectiveness not only where they are used by the EU in disregard of the domestic context (Grabbe 2003; Hughes et al. 2005; Kochenov 2008), but also where domestic actors adopt strategies too closely dependent on top-down pressures (see also Wunsch 2016).

The final contribution of this thesis focuses not on its substantial insights, but on the methodological advances it brings. Despite the fact that process-tracing has experienced a resounding success among political scientists in recent years, there is still a gap between the increasingly sophisticated methodological debates surrounding its correct use, and the often less systematic and more narrative application of this method in empirical research (see also Beach 2013; Beach and Pedersen 2013). This thesis sought to offer a methodologically sound application of process-tracing in a comparative study. Beginning from a deductively derived theoretical framework, it traced the proposed causal mechanisms through three separate case studies and revisited their relevance and the overall causal model in light of the empirical evidence. This exercise suggested both the limited effectiveness of institutionalisation, and highlighted the dominance of EU-based mechanisms when it came to the empowerment stage.

Furthermore, the comparative approach allowed for an explicit engagement with the role of temporality and temporal sequence between the three selected case studies (see Bütthe 2002). The investigation of horizontal exchanges showed an important causal impact of sequence in that civil society actors in countries that were further behind in the accession process were able to build on lessons learned and instructive failures from their counterparts in more advanced candidate states. In concrete terms, CSOs in Montenegro and Serbia found themselves significantly better prepared for an effective involvement in the membership talks not due to their inherently superior capacities, but thanks to transnational exchanges with colleagues from Croatia. This comparative insight allowed for a specification of the role of transnational learning in the overall theoretical framework put forward.

In sum, this thesis added to the existing literature by specifying and expanding the concept of differential empowerment and demonstrating the importance of strategic mobilisation and transnational learning in producing a tangible empowerment of civil society actors throughout the EU accession process. Furthermore, it showed up the limits of EU leverage both regarding the EU's approach and in terms of the mobilisation strategies chosen by domestic actors. Finally, it offered an application of comparative process-tracing that incorporated sequence as a causal factor. Whereas this section concentrated on the contributions of the thesis to the academic literature, the following discussion puts forward the practical recommendations that can be derived from the empirical findings.

Practical recommendations deriving from the thesis

The in-depth study of civil society mobilisation and its outcomes across three different empirical settings showed up both a tangible degree of empowerment and certain limitations resulting from the current set-up of the EU accession process and the strategic usages civil society actors have made of it. Two sets of practical recommendations can be derived from these findings: on the one hand, they suggest possible refinements to the EU's approach of civil society support. On the other, they hold a number of lessons that civil society actors themselves may wish to incorporate into future mobilisation efforts in order to increase their chances of achieving effective empowerment at the domestic level. The resulting policy implications of the thesis findings in these two areas are discussed more in detail in the following.

Potential refinements of external support to civil society

In the context of democratic transition, international donors are often the only sources of income for civil society actors seeking to transform their countries from the inside. Their role is therefore crucial when it comes to providing the material resources for domestic change and, to varying degrees, to supplementing bottom-up mobilisation with top-down pressures and incentives. However, it is a fine line to tread between providing effective external support to reform-minded actors and targeting funding in ways that serve first and foremost the donor's needs. In the latter case, supported groups risk being reduced to the role of implementing agents of a foreign agenda, as other scholars have shown (Fagan 2010a; O'Brennan 2013).

Despite its good intentions and frequent readjustments, the EU's approach to civil society empowerment in the enlargement process was shown to display a number of

characteristics that come closer to an instrumentalisation of CSOs rather than their effective strengthening. As Chapter 5 established, this limited vision finds expression both in the set-up of EU-level consultations with CSOs and in the Commission's funding schemes that narrowly prescribe the thematic orientation of mostly short-term projects. In light of the case study findings put forward in this thesis, four concrete refinements of the Commission's policy of civil society support and its broader enlargement strategy would serve to enhance its potential of fostering inclusive policy-making in accession candidates.

First, a reappraisal of the EU's own routinized consultation cycle with civil society actors in enlargement countries is required. The current one-way exchange that involves CSOs as local watchdogs and sources of information undermines both their capacities and their motivation to feed constructively into such consultation processes. With thematic priorities defined by the Commission, there is limited space for CSOs to bring their own concerns to the table, and no provision according to which Commission officials would provide a direct response to the input received. Yet, such explicit feedback on CSO comments would be worthwhile on two separate counts: on the one hand, the expectation of a more thorough reaction to their contributions would act as a powerful incentive for CSOs to provide substantial, well-argued input. It would therefore function as a disciplining tool that may dissuade organisations from submitting more subjective viewpoints. On the other, the current set-up of the Commission's consultation procedures sends a signal to domestic governments that it is sufficient to treat civil society actors as suppliers of expertise without engaging further with their concerns and responding to the feasibility of their demands. On the

contrary, by demonstrating a high standard of responsiveness itself, it would encourage governments to adopt similar practices.

Second, the Commission needs to emphasised more strongly the importance of effective changes in state-civil society relations in its interactions with candidate state executives. Evaluation of progress in this area often remains restricted to assessing formal improvements such as the creation of institutional channels for inclusion and the adoption of strategic documents setting out commitments with regards to consultation procedures. Such technical adjustments were shown to be insufficient when it comes to guaranteeing effective access and inclusion. By emphasizing the development of an 'enabling environment' from a very early stage in the accession negotiations, the Commission would leave a longer time period for formal changes to translate into shifts in the political climate governing state-CSO exchanges. Moreover, by rendering the guidelines for civil society support adopted in 2013 mandatory for all candidate governments, the Commission would provide a clear and binding roadmap both to executive actors and to CSOs when it comes to implementing concrete and tangible changes in their relationship.

Third, a more flexible and long-term approach to civil society funding would favour more strategic mobilisation and the development of initiatives that contribute to strengthening organisations' profiles. Despite fostering the professionalisation of CSOs across the enlargement region, the complex set-up and short duration of the Commission's grant schemes also tend to absorb a significant amount of time and efforts for fundraising. If organisations were able to secure more long-term financial support, especially when it comes to follow-up funding, efforts could be invested more

productively into building the substantial expertise of civil society actors and strengthening their involvement at the domestic level. The EU's decision not to prolong its support for the Montenegrin monitoring coalition and the NCEI seriously jeopardised these initially promising initiatives and called into question the sustainability of extra-institutional mobilisation at a moment when it would have offered a crucial counterweight to the declining quality of domestic access.

Finally, and perhaps most crucially, the Croatian case highlighted the limited sustainability of civil society empowerment even where significant advancements were made throughout the accession process. Following the closure of membership talks, the lack of an ongoing monitoring mechanism prevented Croatian CSOs from building on any ongoing EU leverage over domestic reforms, thus precipitating a decline in mobilisation. Recent findings from Bulgaria and Romania suggest that it is precisely the introduction of a Co-operation and Verification Mechanism (CVM) for these two countries that enables non-state actors to use EU rules to promote better governance even post-accession (Dimitrova and Buzogany 2014). In light of the growing importance of democratic backsliding among recent EU member states, a strategic overhaul of the EU's enlargement policy should therefore devise appropriate tools to extend EU leverage at least into a transitional period. An even more comprehensive approach has seen debate about an upgrade of more generalised tools for rule of law monitoring across EU member states (Kochenov and Pech 2015; Closa and Kochenov 2016; Sedelmeier forthcoming).

Recommendations to CSOs for effective multi-level mobilisation

The empirical findings of this thesis confirm importance of strategic mobilisation on the part of civil society actors in order to translate shifting opportunities into actual empowerment on the ground. Whereas refinements to the EU's support for civil society would contribute to a more favourable structural environment for mobilisation, the case studies also suggest a number of possible adjustments CSOs could make in order to increase the likelihood of strengthening their positions at the domestic level. Most importantly, such changes would need to focus on extending empowerment beyond the accession date.

First of all, all three case studies displayed a venue shift of civil society actors towards more intensive engagement with EU-level actors, often at the expense of more forceful engagement at the domestic level. In the longer term however, it is exchanges with state actors that will be crucial to determining the relative weight of CSOs in policy-making procedures. Participation in EU-level consultations and exchanges with Delegation officials on the ground can play an important complementary role for mobilisation. However, the Croatian experience suggests that it is crucial that CSOs focus on establishing fruitful relations with domestic policy-makers to forge not only formal, but effective channels of communication at the domestic level that have a chance to subsist beyond the closure of membership negotiations. Besides expanding the range of mobilisation targets, such a move towards a more balanced approach would also an effort to diversify funding sources in order to ensure a sustainable financial basis for their ongoing operation. Again in reference to the Croatian case, forward-looking thinking in this regard is crucial both in view of the likely withdrawal

of other international donors and the prospect of EU funding becoming channelled through national bodies upon accession.

Second, and in a similar vein, sustainable empowerment requires a strategy that looks beyond the EU accession process. A significant portion of mobilisation has indeed centred on forging formal access to the membership negotiations, often at the expense of developing more regular consultation formats at the domestic level. Serbian CSOs in particular have disregarded the absence of specified procedures on inclusiveness for the general policy-making process, and instead focused their efforts on devising appropriate formats for involvement in the accession talks. This may be a promising strategy in the short run, but risks unravelling once the structural conditions change post-accession.

Finally, transnational learning was shown to play a crucial role in facilitating early, strategic mobilisation in the case of Serbia and Montenegro. Such lesson-drawing from previous experiences of civil society actors in neighbouring countries should be used more widely to ensure previous mistakes are not repeated. At the same time, the integration of previous formats into a new domestic context is likely to require adaptation. Moreover, an early awareness of the financial requirements is integral for the sustainable operation of new formats. The disintegration of successful initiatives due to a lack of funding, as could be witnessed in Montenegro, confirms the importance of this aspect.

In the interest of sharing benefits, transnational learning should be aimed not only at extracting best practices for one's own mobilisation strategy, but should also

incorporate civil society actors actively disseminating their experiences to third countries, including beyond the enlargement region. Such exchanges could be supported financially by the EU and other international donors in view of enabling early and effective mobilisation in other accession or neighbourhood countries.

On the whole, the experience of CSOs in Croatia, Montenegro, and Serbia holds important lessons when it comes to the further refinement of EU support for civil society in suggesting the need for a shift from instrumental to strategic and long-term support for civil society actors in enlargement countries. For CSOs themselves, the case study findings highlight the need to reflect early on about the sustainability of mobilisation formats and constructive ways of engaging at the domestic level. Expanding on these practical recommendations, the following section discusses the wider relevance of the thesis findings.

Wider relevance of the findings

The EU accession process is a rather specific context for domestic mobilisation given the strong presence of the EU and the important leverage it wields over domestic reforms. Similarly, the rule of law as the chosen policy field for closer study presents a number of characteristics that make its outcomes potentially diverge from dynamics in other areas. Nonetheless, the relevance of the thesis findings arguably goes beyond the narrow context of civil society empowerment in negotiation chapter 23, both when it comes to the theoretical conclusions to be drawn and to the empirical applicability of the findings.

To begin with, the findings confirm the more general observation of the limited effectiveness of democratic conditionality that stands in contrast with the rather consistent compliance observed with regards to more technical *acquis* conditionality (Schimmelfennig *et al.* 2003; Schimmelfennig and Sedelmeier 2005a). The limited effectiveness of the EU's support for inclusive policy-making became particularly apparent from the decline in mobilisation in Croatia, but also seems to transpire from the Montenegrin experience of CSOs being side-lined during the implementation phase of reform commitments. The strong initial strengthening of civil society actors in the field of the rule of law can be related to the central role this policy area plays in the EU accession process. The salience of the rule of law enhances the EU's leverage during the accession negotiations, making strategies based on indirect coercion and accession-related framing more promising. At the same time, the very political sensitivity that makes the rule of law a most-likely area for civil society empowerment *during* the membership talks carries the risk of undermining progress made and even producing a rollback of reforms during the post-accession period.

It is here that the thesis findings align with recent studies on democratic backsliding in new EU member states that affirm the partly reversible nature of changes related to democratic advances and institutional arrangements once EU pressures subside (Ágh 2014; Greskovits 2015). The more marked decline in EU leverage when it comes to democratic conditions leaves civil society actors who have pushed for changes in this area finding themselves suddenly out in the cold once their countries enter the club and are no longer subjected to a close scrutiny of their internal functioning. This shift is likely to be less pronounced in the case of more technical policy areas, where EU leverage subsists in the form of ongoing requirements to meet EU standards and the

possibility of infringement proceedings. Given these specificities of the rule of law, the immediate horizontal generalisability of the thesis findings to other policy areas is most likely limited.

Nonetheless, there is a case to be made that the findings hold certain vertical implications for the EU accession process as a whole, and potentially even for the EU's engagement with civil society actors in the framework of its Neighbourhood Policy. On the one hand, the limited sustainability of empowerment in the Croatian case was shown to be due to a large extent to the sudden decline in EU leverage following the closure of accession talks. This experience indicates that an extension of monitoring beyond the accession date may ease the transition for local CSOs that found themselves rather brutally cut off from the EU's political support. Such provisions should therefore be seriously debated with regards to current accession candidates.

Besides, given the similarities in the EU's approach to civil society support in enlargement countries and in the European Neighbourhood Policy (ENP), one can expect to find a similar tension between formal mechanisms for civil society participation and the effective inclusion of CSOs into domestic policy-making processes. If the European Commission is serious about erecting civil society actors in neighbourhood countries into credible counterparts for state-level actors, it will need to thoroughly rethink its own engagement with CSOs in ENP countries. This is particularly important since EU leverage is typically weaker in the absence of a membership perspective (Epstein and Sedelmeier 2008; Schimmelfennig and Scholtz

2008), making creative usages of EU-related opportunities and decisive domestic engagement all the more vital.

In sum, the immediate transferability of the thesis findings may be limited due to the particularities of the accession countries and the special status of the rule of law in the membership talks. Klüver speaks in this respect of the importance of ‘issue context’ for mobilisation success (Klüver 2011). Still, the broader implications of the findings are relevant across the enlargement region and, to a more limited extent, for the EU’s engagement with its neighbouring countries.

Limitations of the research

By studying civil society mobilisation and its outcomes across three different empirical contexts, this thesis sought to bolster the external validity of the findings in comparison to a single-case study that remains the standard for process-tracing analyses. Despite this comparative approach, a number of limitations remain when it comes to the research design: first, the ongoing nature of the accession negotiations in Serbia and Montenegro preclude a definitive assessment of mobilisation outcomes, with the evaluation relying on the current state of play and extrapolation of previous experiences. Both of these cases have been assessed as presenting a more fertile ground for civil society empowerment given the dynamics of transnational learning that have enabled CSOs to push for improved access and recognition from the initial stages of the accession process.

Yet, the Montenegrin case study shows a noticeable decline in extra-institutional mobilisation due to a lack of follow-up funding for the two most prominent initiatives.

This evolution may be suggestive of a more long-term weakening of civil society engagement that will eventually preclude effective empowerment. In the absence of a concrete outcome, the tentatively positive assessment put forward in this thesis is based largely on the more developed understanding of Montenegrin civil society actors for the dynamics of the enlargement process and the possibility for successful involvement. Still, ongoing financial difficulties and a lack of responsiveness on the part of state-level actors may reverse this tendency in the years to come. Serbian civil society mobilisation appears more stable at the present time. Again however, the fact that accession negotiations will continue for several years does not pre-empt a stagnation in mobilisation levels. This may occur should initial levels of procedural empowerment at the domestic level not lead to a more substantial influence of civil society actors on policy outcomes.

Second, the close engagement with a variety of different factors and analytical levels likely to shape mobilisation choices made by civil society actors. While this serves to highlight the complexity of the process of differential empowerment, it simultaneously complicates an assessment of their causal weight for the eventual outcomes of civil society mobilisation. As a result, the thesis puts forward an analytical framework that highlights the broad dimensions of differential empowerment that can serve to study similar processes in other contexts. However, it offers less certain evidence when it comes to pinpointing which causal mechanisms or conditions contribute most decisively to the shape and extent of the eventual empowerment observed. This weakness echoes one of the reproaches made to process-tracing studies. Whereas they can serve to propose typological theories and delineate the scope conditions for the

functioning of certain processes, they are less useful when it comes to developing grand theories that can be easily exported to other cases (Checkel 2015).

Finally, the selection of the rule of law as the chosen policy area ensures the political salience of the empirical findings, but reduces their transferability to other sectors. As highlighted already in the previous section, the decision to compare mobilisation strategies in the same policy area across different countries – as opposed to comparing mobilisation choices in different policy areas within the same empirical setting – diminishes the horizontal generalisability of the findings. For reasons discussed above, the rule of law represents a rather specific area of mobilisation. Still, the significant amount of research devoted to the rule of law sector (Kochenov 2008; Kartal 2014; Kmezić 2016) ensures a sufficient relevance of the findings even where the ability to extrapolate from them to other policy areas is limited.

Future research avenues

The main research interest of this thesis consisted in unpacking the process of differential empowerment. It did so by highlighting the role of domestic agency and assessing the causal mechanisms that connect the three hypothesised stages of the empowerment process to one another. The thesis findings point to three possible avenues for future research that would extend either the theoretical or the empirical insights it offered.

First, the developed theoretical framework of differential empowerment could be applied and further refined in a different empirical context. The thesis put forward a framework that allows for the joint study of structural shifts and agency-based strategic

adaptations leading up to the potential empowerment of previously marginalised actors. It spelled out the causal mechanisms thought to connect initial changes in opportunities to domestic usages, and these usages to their outcomes in terms of domestic impact. Moreover, it emphasised the role of domestic and horizontal dynamics feeding into mobilisation choices, and refined the understanding of these elements through its empirical analysis.

The resulting causal process model could be tested in a different empirical context in order to assess its broader applicability and further specify its relevant dimensions. One possibility would be the study of differential empowerment in a neighbourhood country, where structural shifts may be less pronounced due to the EU's lower leverage. To what extent does the absence of an explicit membership perspective preclude strategic usages of certainly less prominent, but nonetheless existent new opportunities? A comparative study of two different neighbourhood countries may further elucidate which factors are particularly crucial when it comes to determining the eventual degree of empowerment.

Second, the focus on the rule of law adopted in this thesis would make an empirical expansion of its findings into an alternative policy field worthwhile. The study of differential empowerment in another, more technical area could bring to light whether civil society expertise is more readily incorporated into the domestic policy-making process in less politically sensitive sectors. A within-case comparison of pre- and post-accession dynamics in this area, similar to the approach taken in the Croatian case study presented in this thesis, would moreover serve to estimate the relative

importance of EU leverage and the extent to which it declines once membership negotiations have been finalised.

Third, the dynamics of transnational learning at the sub-state level could be examined more in-depth for other policy areas or types of actors. The thesis demonstrated the importance of horizontal exchanges and transnational learning when it comes to fostering earlier and more targeted mobilisation in subsequent accession countries. The theoretical significance of this finding warrants a more in-depth empirical exploration of its relevance: Does transnational learning also play a role in other policy areas? Is it relevant only with regards to civil society actors (presumably thanks to pre-existing networks and the enabling capacity of umbrella organisations at the EU level)? Or are there instances of transnational learning also among, for instance, trade unions or farmers' associations? Are these driven by sub-state actors themselves, or facilitated through top-down EU intervention, for example through administrative twinning projects? And are the dynamics of transnational learning different between enlargement countries, which are subjected to similar pressures, and EU member states, where the domestic actor constellation may be more relevant in producing eventual outcomes?

Extending the thesis results in either of these three directions would promise to bring further theoretical insights into the process of differential empowerment and a deeper understanding of the limits and scope conditions under which such a process is possible. Such follow-up studies could remain empirically within the EU accession context, or choose a different empirical setting – presumably either member states or ENP countries – in which the EU is involved as a relevant actor level.

Conclusion

By unpacking the process of differential empowerment, this thesis demonstrated the complexity of domestic change in the EU accession process and highlighted the key role of domestic agency and strategic mobilisation when it comes to translating structural shifts into effective changes at the domestic level. By comparing processes of civil society mobilisation and their outcomes across three recent or current accession candidates, it contributed to a fuller conceptualisation of the process of differential empowerment and expanded the empirical understanding of the role and importance of civil society actors in the enlargement process. The findings clearly show that alterations in the domestic power balance are more than a response to top-down pressures and domestic actors' reactions to an existing misfit between local conditions and EU membership requirements. This central insight confirms the necessity for future research to engage more in-depth with domestic interactions shaping the Europeanisation process and its outcomes.

Investigating *whether, how and to what extent civil society actors have been able to use the EU accession process to empower themselves at the domestic level*, the thesis made three central claims. First, civil society actors have been able to achieve a tangible extent of empowerment, affirming themselves as independent agents capable of making strategic choices in light of shifting opportunities. Second, while the EU's involvement played an important role in fostering formal adjustments in the domestic legal and institutional framework for mobilisation, it was creative usages of the accession context and transnational learning between CSOs from different countries that most decisively shaped mobilisation strategies. Third, civil society empowerment comprised both a procedural dimension, with CSOs obtaining formal recognition and

access at the domestic level, and a more limited substantial strengthening that saw civil society actors shape certain reform outcomes through their engagement.

With regards to the specific cases studied, late mobilisation and an overreliance on EU leverage posed important temporal and substantial limits on civil society empowerment in Croatia. However, a more vigorous EU support coupled with dynamics of transnational learning have allowed for a rather extensive formal empowerment of civil society in both Serbia and Montenegro. The drawn-out nature of membership negotiations with these two countries suggests that there may be a sufficient timeframe to allow procedural improvements to translate into a higher receptiveness on the part of domestic policy-makers for external input. Should this prove to be the case, the combination of early mobilisation and strategic adjustment on the basis of lessons learned in Croatia may enable substantial empowerment via the ‘national route’ as the EU accession process progresses.

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Appendix 1: List of interview partners

#	Name	Function	Organisation	Place	Date
1.	Dragiša Mijačić	Director	Institute for Territorial Economic Development	Belgrade	10 Sept 2013
2.	Jelena Radoman	Project Manager	Center	Belgrade	11 Sept 2013
3.	Maja Stojanović	Program Director	Civic Initiatives	Belgrade	17 Sept 2013 1 Oct 2013
4.	Sonja Stojanović	Executive Director	Belgrade Centre for Security Policy	Belgrade	16 Sept 2013 15 Apr 2014
5.	Dušan Pavlović	Professor	Belgrade University, Faculty for Political Science	Belgrade	8 Sept 2013
6.	Dragan Crnjanski	Independent Evaluator		Belgrade	18 Sept 2013
7.	Igor Novaković	Research Fellow	ISAC Fund	Belgrade	4 Oct 2013
8.	Aleksandar Bratković	Director	Centre for the Development of the Non-Profit Sector	Belgrade	23 Sept 2013
9.	Žarko Paunović	Manager	Belgrade University, Faculty for Political Science	Belgrade	30 Sept 2013
10.	Saša Gajin	Director	Centre for Advanced Legal Studies	Belgrade	4 Oct 2013 11 Dec 2013
11.	Nebojša Lazarević	Director	European Policy Centre – Belgrade	Belgrade	7 Oct 2013
12.	Maja Bobić	General Secretary	European Movement in Serbia	Belgrade	11 Oct 2013 26 Nov 2014
13.	Mia Vukojević	Executive Director	Trag Foundation for Local Initiatives	Belgrade	14 Oct 2013

14.	Jelena Babić	Programme Manager	Belgrade Open School	Belgrade	15 Oct 2013
15.	Ivan Knežević	Deputy Secretary General	European Movement in Serbia	Belgrade	18 Oct 2013
16.	Irena Cerović	Executive Director	Balkan Fund for Political Excellence	Belgrade	21 Oct 2013
17.	Srđan Đurović	Director	Centre for Applied European Studies	Belgrade	22 Oct 2013
18.	Saša Đorđević	Researcher	Belgrade Centre for Security Policy	Belgrade	23 Oct 2013
19.	Dragan Popović	Director	Policy Center	Belgrade	24 Oct 2013
20.	Marina Matić	Vice President of Program Council	Association of Public Prosecutors	Belgrade	28 Oct 2013
21.	Izabela Kisić	Executive Director	Helsinki Committee	Belgrade	28 Oct 2013
22.	Jovanka Todorović	Lobbying and Advocacy Program Coordinator	Labris – Lesbian Human Rights Organisations	Belgrade	27 Nov 2013
23.	Milan Antonijević	Director	YUCOM Lawyers' Committee for Human Rights	Belgrade	12 Dec 2013
24.	Leopold Rollinger	Programme Manager	Civic Initiatives	Belgrade	27 Nov 2014
25.	Danijela Božović	Project Coordinator	Belgrade Open School	Belgrade	26 May 2015
26.	Tanja Hafner-Ademi	Executive Director	Balkan Civil Society Development Network	Skype	30 May 2016
27.	Sanja Sarnavka	President	Budi aktivna – budi emancipiran	Zagreb	31 Mar 2014
28.	Gordan Bosanac	Programme Director	Centre for Peace Studies	Zagreb	31 Mar 2014

29.	Marina Škrabalo	Senior Adviser	GONG	Zagreb Brussels	2 Apr 2014 11 Nov 2015
30.	Paul Stubbs	Senior Research Fellow	Institute for Economics	Zagreb	3 Apr 2014 16 May 2014
31.	Senada Šelo Šabić	Research Fellow	Institute for International Relations and Development	Zagreb	3 Apr 2014
32.	Eugen Jakovčić	Media Coordinator	Documenta – Center for Dealing with the Past	Zagreb	5 May 2014
33.	Mladen Majetić	NGO Consultant	K-Faktor	Zagreb	5 May 2014
34.	Tihomir Popović	Executive Director	Youth Initiative for Human Rights	Zagreb	6 May 2014
35.	Ivan Novosel	Programme Coordinator	Youth Initiative for Human Rights	Zagreb	6 May 2014
36.	Danilo Martinović	Coordinator	Zagreb Pride	Zagreb	6 May 2014
37.	Srđan Dvornik	Activist and philosopher		Zagreb	6 May 2014
38.	Nives Miošić-Lisjak	Director of the Research Centre	GONG	Zagreb	6 May 2014
39.	Emina Bužinkić	Program Officer	Documenta	Zagreb	7 May 2014
40.	Marko Mažić	Director of Programmes	Youth Initiative for Human Rights	Zagreb	8 May 2014
41.	Višnja Samardžija	Head of Department	Institute for International Relations and Development	Zagreb	12 May 2014
42.	Jagoda Munić	Programme Coordinator	Green Action	Zagreb	12 May 2014
43.	Suzana Kunac	Activist and academic		Zagreb	12 May 2014
44.	Sandra Benčić	Programme Director	Centre for Peace Studies	Zagreb	13 May 2014

45.	Andreana Baeva-Motušić	President	European Business Association	Zagreb	13 May 2014
46.	Vesna Teršelič	Director	Documenta – Center for Dealing with the Past	Belgrade	26 May 14
47.	Ana Novaković	Executive Director	Centre for the Development of NGOs	Podgorica	6 Oct 2014 9 Oct 2014
48.	Jovana Marović	Research Coordinator	Institut Alternativa	Podgorica	6 Oct 2014 9 Oct 2014
49.	Boris Marić	Senior Legal Advisor	Centre for Civic Education	Podgorica	6 Oct 2014
50.	Marija Vuksanović	Project Manager	Centre for Democracy and Human Rights	Podgorica	7 Oct 2014
51.	Vlado Dedović	Programme Coordinator	Center for Monitoring	Podgorica	10 Oct 2014
52.	Tea Goranc-Prelević	Executive Director	Human Rights Action	Podgorica	10 Oct 2014
53.	Siniša Bjeković	Director	Human Rights Centre, Law Faculty	Podgorica	10 Oct 2014
54.	Vuk Maraš	Programme Director	Network for the affirmation of the non-governmental sector	Podgorica	11 Oct 2014
55.	Momčilo Radulović	Director	European Movement Montenegro	Podgorica	25 Feb 2016
56.	Dragana Lukic	Deputy Chief of Party	USAID	Belgrade	30 Sept 2013
57.	Biljana Dakić Đorđević	Program Officer	Balkan Trust for Democracy	Belgrade	3 Oct 2013
58.	Igor Bandović	Senior Programme Manager	European Fund for the Balkans	Belgrade	7 Oct 2013
59.	Andrej Horvat	Project leader	Gesellschaft für internationale Zusammenarbeit	Belgrade	15 Oct 2013

60.	Bogdan Gavanski	Chief of Party	Institute for Sustainable Communities	Belgrade	17 Oct 2013
61.	Jadranka Jelinčić	Executive Director	Fund for an Open Society Serbia	Belgrade	17 Oct 2013
62.	Miodrag Milosavljević	Program Coordinator	Fund for an Open Society Serbia	Belgrade	16 Apr 2014
63.	Tin Gazivoda	Advisor for Croatia	Open Society Foundation	Zagreb	3 Apr 2014
64.	Neil Campbell	Head of EU Policy Development	Open Society Foundation	Skype	28 Mar 2014
65.	Hrvoje Butković	Research Associate	Institute for International Relations and Development	Zagreb	12 May 2014
66.	Đurđa Đukić	Programme Manager	Civic Initiatives	Belgrade	27 Nov 2014
67.	Milena Lazarević	Programme Manager	European Policy Centre – Belgrade	Belgrade	7 Oct 2013

Anonymised interviewees

#	Function	Institution	Place	Date
1.	Head of European Integration Unit	Serbian Parliament	Belgrade	18 Sept 2013
2.	Advisor in EU Integration Department	Serbian Parliament	Belgrade	12 Sept 2013
3.	Resident Twinning Advisor	Serbian Parliament	Belgrade	17 Sept 2013
4.	Legal Advisor	Government Office for Cooperation with Civil Society	Belgrade	11 Sept 2013
5.	Former Director (2012-13)	Serbian European Integration Office	Belgrade	2 Oct 2013
6.	Assistant Director	Serbian European Integration Office	Belgrade	10 Oct 2013
7.	Team Leader for project “EU Support to the Office for Civil Society”	Government Office for Cooperation with Civil Society	Belgrade	14 Oct 2013

8.	Director	Government Office for Cooperation with Civil Society	Belgrade	18 Oct 2013 21 Nov 2013
9.	Twinning Component Leader 5 (Civil Society)	Serbian National Assembly	Belgrade	22 Oct 2013
10.	Advisor to Minister in charge of European integration	Serbian Government	Belgrade	24 Oct 2013
11.	IPA Coordinator	Serbian European Integration Office	Belgrade	25 Oct 2013
12.	Head of Group for implementation of EU funded projects	Office for Human and Minority Rights	Belgrade	28 Nov 2013
13.	Member of Parliament	Serbian National Assembly	Belgrade	28 Nov 2013
14.	Deputy Director	Serbian European Integration Office	Belgrade	5 Dec 2013
15.	Advisor for Human and Minority Rights to the Minister in charge of European integration	Government of Serbia	Belgrade	6 Dec 2013
16.	Member of Parliament, Head of EU Integration Committee	Serbian Parliament	Belgrade	11 Dec 2013
17.	Resident Advisor	TACSO Office Serbia	Belgrade	21 Oct 2013 19 Dec 2013
18.	Programme Manager	EU Delegation to Serbia	Belgrade	28 Oct 2013
19.	Head of European Integration Section	EU Delegation to Serbia	Belgrade	28 Oct 2013
20.	Task Officer	EU Delegation to Serbia	Belgrade	6 Nov 2013
21.	Task Officer	EU Delegation to Serbia	Belgrade	21 Nov 2013
22.	National Programme Officer (1)	Organisation for Security and Cooperation in Europe	Belgrade	21 Nov 2013
23.	National Programme Officer (2)	Organisation for Security and Cooperation in Europe	Belgrade	21 Nov 2013
24.	Former Political Advisor to EU Delegation	Representation of the European Commission	Zagreb	1 Apr 2014

25.	Task Manager	Delegation of the European Union	Zagreb	7 May 2014
26.	Ambassador	Embassy of the Netherlands	Zagreb	12 May 2014
27.	Former Director	Technical Assistance for Civil Society Organisations	Zagreb	13 May 2014
28.	First Advisor	Embassy of France	Zagreb	14 May 2014
29.	Secretary General	National Parliament	Podgorica	6 Oct 2014
30.	Secretary of the Negotiating Group	Ministry of Foreign Affairs and European Integration	Podgorica	7 Oct 2014
31.	Director	Government Office for the cooperation with NGOs	Podgorica	7 Oct 2014
32.	Assistant Minister	Ministry for Human and Minority Rights	Podgorica	9 Oct 2014
33.	Negotiator for chapters 23 and 24	Ministry of Justice	Podgorica	10 Oct 2014
34.	Task Officer	EU Delegation	Podgorica	8 Oct 2014
35.	Advisor	EU Delegation	Podgorica	9 Oct 2014
36.	Resident Advisor	Technical Assistance for Civil Society Organisations	Podgorica	10 Oct 2014
37.	Administrator, Regional Cooperation and Programmes	European Commission, DG Enlargement	Brussels	15 Oct 2012
38.	Head of Unit	European Commission, DG Enlargement	Zadar	26 Sept 2012
39.	Head of Unit	European Commission, DG Enlargement	Brussels	11 Nov 2013
40.	Policy Officer, Montenegro Unit	European Commission, DG Enlargement	Brussels	11 Nov 2013
41.	Head of Sector	European Commission, DG Enlargement	Belgrade Brussels	26 Nov 2013 14 Mar 2014
42.	Deputy Head of Unit	European Commission, DG Enlargement	Brussels	14 Mar 2014

43.	Former Director-General	European Commission, DG Enlargement	Belgrade Brussels Reims	27 Mar 2014 12 Apr 2014 20 Apr 2015
44.	Advisor to Serbia Rapporteur	European Parliament	Phone	8 May 2015
45.	Desk Officer	European Commission, DG Enlargement	Brussels	10 Nov 2015
46.	Former negotiator for chapter 23	Ministry of Justice	Zagreb	1 Apr 2014
47.	Former coordinator of working group 23 and 24	Ministry of Justice	Zagreb	2 Apr 2014
48.	Former member of Chief Negotiator's Office	Ministry of Foreign Affairs	Zagreb	2 Apr 2014
49.	Former Secretary of Coordinating Committee on Negotiations	Ministry of Foreign Affairs	Zagreb	4 Apr 2014
50.	Head of Office	Government Office for Cooperation with NGOs	Zagreb	4 Apr 2014
51.	Former Head of working group for chap. 23	Ministry of Foreign Affairs	Sarajevo	16 May 2014
52.	Former member of negotiation Secretariat	Ministry of Foreign Affairs	Zagreb	4 Nov 2014

Appendix 2: Participant observation

#	Event	Place	Date
1.	“Regional Civil Society Conference: For Europe of the Western Balkans and Turkey”, organised by European Citizen Action Service, TACSO, and the European Commission	Zadar	26-28 Sept 2012
2.	“Civil Society Transformations on the Way to the European Union”, TACSO Regional Conference	Zagreb	17-19 Apr 2013
3.	Screening meeting for chapter 23, organised by Serbian Ministry of Justice and Serbian Government Office for Civil Society	Belgrade	25-26 Sept 2013
4.	Launch of prEUgovor monitoring coalition	Belgrade	1 Oct 2013
5.	Debriefing of bilateral screening for chapter 23	Belgrade	16 Dec 2013
6.	Public debate on Human Rights House shadow report on 2013 progress report	Belgrade	18 Dec 2013
7.	“Conference on Partnership and Networks” organised by USAID and the Institute for Sustainable Communities	Belgrade	13-14 Feb 2014
8.	Bilateral meeting of prEUgovor and Platform 112	Zagreb	2 Apr 2014
9.	Public presentation of 2014 progress report	Podgorica	8 Oct 2014
10.	Panel on “Civil society in EU accession”, organised by Belgrade Faculty for Political Science and Konrad Adenauer Foundation	Belgrade	28 Nov 2014
11.	Workshop on “Culture of Regional Cooperation”, organised by European Fund for the Balkans, ERSTE Stiftung and Renner Institute	Belgrade	26 May 2015
12.	Regional workshop on Europe for Citizens programme, organised by Serbian Government Office for Civil Society	Belgrade	29 Oct 2015
13.	Move.Link.Engage regional conference on civil society participation	Belgrade	30 Oct 2015
14.	“Civil Society and Beyond: A Joint Dialogue on the European Path”, congress organised by the European Movement International	Belgrade	25-26 Feb 2016
15.	Civil Society Forum for the Western Balkans, organised by European Fund for the Balkans and Erste Foundation	Novi Sad, Belgrade	11-13 May 2016
16.	“The Western Balkans in the European Union: new perspectives on integration?”, conference organised by Centre de formation européenne and Institut français de relations internationales	Paris	30-31 May 2016