



Project no. CIT1-CT-2004-506392

NEWGOV **New Modes of Governance**

Integrated Project
Priority 7 – Citizens and Governance in the Knowledge-based Society

NEWGOV Workshop **Civil Society, New Modes of Governance and Enlargement – Effective Im-** **plementation of EU Policies in Accession Countries** reference number: 12/D15 and CLA/D9f

Due date of deliverable: June 2008
Actual submission date: 3 July 2008

Start date of project: 1 September 2004

Duration: 48 months

Organisation name of lead contractor for this deliverable:
European University Institute and Freie Universität Berlin

Project co-funded by the European Commission within the Sixth Framework Programme (2002-2006)		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

Summary

The aim of the workshop was to communicate the central findings of Project 12 “Coping with Accession” to a broader audience of scientists, policy experts, and practitioners. In order to systematize our findings with other related projects within NEWGOV, but also beyond, we invited papers from other clusters of NEWGOV as well as from international experts working on the role of non-state actors in coping with the challenges of accession to the EU. Special attention was given to the role of civil society. The workshop was jointly organized with Project 12 “Coping with Accession” Conference on the “Effective Implementation of EU Policies in Accession Countries (D15). It took place in Zeuthen, Germany, 3 – 5 July 2008.

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I. Summary of the workshop

To what extent does civil society help to make enlargement work by providing both EU-level actors and governments of accession countries with means to strengthen the effectiveness and legitimacy of accession processes and outcomes? The workshop brought together senior researchers and junior researchers from within the New Modes of Governance (NEWGOV) Integrated Project and outside, who study different issues related to new modes of governance and Civil Society. Their papers provided interesting insights on the societal preconditions of New Modes of Governance and raised some important puzzles for theoretical reasoning and practical application.

First, there seems to be solid evidence for civil society as a critical determinant for the emergence, evolution, effectiveness and legitimacy of new modes of governance during enlargement and beyond. At the same time, Enlargement has helped to strengthen civil society actors which could benefit from EU capacity-building measures and the opening up of multiple channels of influence in the EU's multi-level governance system. Nevertheless, and largely against original expectations, research results show that new modes of governance have emerged much less than expected in the accession countries. Their authoritarian legacies, combined with a still rather weak civil society, the complexity of democratic and economic transitions as well as the rapid legal and political change attributed to the EU accession have largely hindered the emergence of inclusive modes of policy-making in the region. Thus, both the nature of the accession process and the domestic conditions of the accession countries have effectively counteracted functional pressures stemming from relatively weak state capacities and the encouragement of the EU to involve non-state actors in the adoption of the *acquis communautaire*.

Second, even where societal actors have been sufficiently strong to support the emergence and evolution of new modes of governance, their impact is at best ambivalent. On the one hand, non-state actor's participation can increase the legitimacy, effectiveness and accountability in policy processes, e.g. by providing relevant knowledge to state actors or by actively participating in the implementation process. On the other hand, however, the influence of non-state actors with strong particularistic interests may lead to some form of state capture, challenging the legitimacy of new modes of governance or (further) undermining effective provision of public goods.

Third, while the level of new modes of governance has remained rather low in accession countries, we find some significant variance with regard to non-state actor involvement across different regions (Southern, Central and Eastern Europe) and policy fields (environment, OMC, regional development, social dialogue). These findings clearly indicate that the outcomes with regard to the emergence, evolution, effectiveness and legitimacy of new modes of governance are highly differential and depend to a considerable extent on certain societal preconditions.

Drawing on these findings, the workshop discussed the societal preconditions, in general, and the role played by civil society actors, in particular, in the emergence, evolution and effectiveness of New Modes of Governance during enlargement.

The papers presented at the workshop concur that accession has not empowered civil society in Central and Eastern Europe, or at least to a far lesser extent than the literature on Europeanization would lead us to expect. If at all, we find only weak forms of NMG through which civil society is involved in public policy-making. While the domestic impact of enlargement on civil society has been overall limited, we find some variance both across sectors and countries. Thus, environmental civil society organizations have made more effective use of new

opportunities offered by the EU than the social partners. The differential empowerment of environmental NGOs is more pronounced in Hungary than in Poland, and mostly shows in the area of nature protection.

These findings raise two important questions for research on new modes of governance, civil society and accession.

- Why do we hardly find any societal empowerment by accession?
- What explains the variance?

With regard to the first question, the papers agree that societal actors are in general too weak to make systematic use by the new opportunities offered in accession. At the same time, states may be weak, but are not weak enough to seek the cooperation with non-state actors in public policy-making. These findings confirm once again the argument by Renate Mayntz that NMG require both a strong state and a strong society. Indeed, state and societal capacity strongly correlate and are both significantly weaker in the new as compared to the old member states. Qualitative case studies demonstrate that EU policies, through legally requiring the involvement of non-state actors, may have the potential to empower civil society. However, these policies have to be effectively implemented in the first place. Effective implementation, in turn, has been hampered, first, by the nature of enlargement: the high time pressure and the huge workload coupled with the focus of the Commission on the absorption of the accession countries have empowered state rather than non-state actors. Moreover, state actors have hardly any interest in empowering non-state actors as long as they are not too weak to make policies and resist compliance with EU requirements, respectively. Non-state actors, in turn, are often too weak to absorb the new opportunities offered by the EU and to pull EU policies down to domestic level. As a result, the domestic impact of accession works according to St. Mathew's principle: the EU tends to empower the already powerful, i.e. well-organized transnational NGOs, which are particularly strong in the field of environment.

The discussion of the conference shall result in a joint publication in form of a special issue to be submitted to *Acta Politica*.

II. Proposal for a Special Issue

Civil Society on the Rise?

EU Enlargement and Societal Mobilization in Central and Eastern Europe

The special issue will explore the relationship between Europeanization and civil society in the context of Eastern enlargement. On the one hand, the EU may provide civil society actors with a new opportunity structure that empowers them in domestic policy-making. On the other hand, civil society actors are crucial to make NMG work. One set of papers adopt a top-down perspective, while the others approach NMG and civil society from the bottom-up. They also cover different policy areas: environment, regional policy, and social policy.

1) **Introduction: EU Enlargement and Civil Society (Tanja A. Börzel)**

2) **Weak States and Even Weaker Societies?**

- Beate Sissenich (quantitative)
Weak States, Weak Societies: Comparing New and Old Member States of the European Union
- Amelie Kutter and Vera Trappmann (qualitative)
The Legacies of Accession and the Politics of Advocacy in Central and Eastern Europe
- David Lane (Cambridge University)
Civil Society and Political Mobilisation in the New Accession States

3) **The domestic impact of Enlargement: Empowering civil society?**

Regional Policy

- Laszlo Bruszt (European University Institute/Central European University)
Multi-level Governance in Regional Development Policy. Towards stronger society and even stronger states?
- Annamaria Artner and Kalman Dezséri (World Economy Research Institute, Budapest)
Learning by Doing. NGOs and the Implementation of Cohesion Policy in the CEE Countries

Social Policy

- Tomasz G. Grosse (Institute of Public Affairs)
Failed Europeanization? Social Dialogue and State Capture in CEE Countries
- Imogen Sudbery (University College Dublin)
Europeanization from Below? The Differential Empowerment of Women Organizations in Poland

Environmental Policy

- JoAnn Carmin (MIT)
Building Capacity for Environmental Governance in Central and Eastern Europe
- Tanja Börzel, Aron Buzogany and Sonja Guttenbrunner (Freie Universität Berlin)
Adopting the Environmental Acquis. Escaping the Low Capacity Trap?

- Adam Fagan (Queen Mary, University of London)
The New Kids on the Block – Building Environmental Governance in the Western Balkans

4) Let's Go West: The Mobilization of CEE Civil society at the EU level

- Heiko Pleines (Bremen University)
Is this the Way to Brussels? CEE Civil Society Involvement in EU Governance
- Charalampos Koutalakis (University of Athens)
Members Only? The Involvement of CEE Civil Society in Transnational Regulatory Networks
- Petra Rakusanova (Institute of Sociology AS CR Prague and Jean Monnet Center for European Studies, Bremen)
European Civil Society: Reality or Wishful Thinking?

III. Programme

Thursday, July 3rd

Arrival, check-in and Dinner in Zeuthen (close to Berlin)

Friday, July 4th

9:30-10:00 **Introduction by the Organizers**

10:00-11:30 ***Panel 1: Civil Society and Societal Mobilization in Central and Eastern Europe***

Chair & Discussant: Adam Fagan (University College London)

- David Lane (Cambridge University)

Civil Society and Political Mobilisation in the New Accession States: What Roles for NEWGOV Initiatives?

- Tanja Börzel /Aron Buzogany (FU Berlin)

New Modes of Governance and Environmental Policy in Accession States. The Role of Civil Society Actors in Central and Eastern Europe

11:45-13:15 ***Panel 2: Europeanization and Social Policies in the New Member States***

Chair & Discussant: Diana Panke (University College Dublin)

- Heiko Pleines (Bremen University)

Trade Unions from postsocialist EU member states in EU governance. What kind of Europeanisation?

- Imogen Sudbery (University College Dublin)

Europeanization from Below? The Differential Empowerment of Women Organizations in Poland

13:15-15:00 **Lunch**

15:00-16:30 ***Panel 3: Civil Society and Environmental Governance in the CEE***

Chair & Discussant: Tanja Börzel (Free University Berlin)

- Adam Fagan (University College London)

Building governance in the “potential candidate countries of the Western Balkans

- Joan Carmin (MIT)

Building capacity for environmental governance in Central and Eastern Europe: Lessons for EU Enlargement

- Heiko Pleines (Bremen University)

Actors or agents in EU governance? The role of Czech environmental NGOs

17:00-18:30 Panel 4: Europeanization and Regionalization in the New Member States

Chair & Discussant: Charalampos Koutalakis (University of Athens)

- Annamaria Artner (World Economy Research Institute, Budapest)

Europeanization and NGOs Outside the Circle – Dividing Society and Social Movements

- Karin Pieper (FU Berlin)

EU-focused knowledge – potentials from Mobilization. Hungarian and Polish Lessons from Negotiations of the EU Cohesion Policy

19:00 Dinner

Saturday, July 5th

9:00-10:30 Panel 5: Business Actors and Environmental Governance in the CEE

Chair & Discussant: Joan Carmin, (MIT Boston)

- Tanja Börzel /Aron Buzogany (FU Berlin)

New Modes of Governance and Environmental Policy in Accession States. The Role of Business Actors in Central and Eastern Europe

- Charalampos Koutalakis (University of Athens)

Beyond Bilateral Executive Negotiations. Pharmaceutical Harmonization and the Eastern Enlargement of the EU

11:00-11:45 Conclusions: Civil Society, New Modes of Governance and Accession

Tanja Börzel (FU Berlin)

IV. Participants

1. Annamaria Artner (World Economy Research Institute, Budapest)
2. Tanja Börzel (FU Berlin)
3. Aron Buzogany (FU Berlin)
4. Joan Carmin (MIT)
5. Adam Fagan (University College London)
6. Charalampos Koutalakis (University of Athens)
7. David Lane (Cambridge University)
8. Diana Panke (University College Dublin)
9. Karin Pieper (FU Berlin)
10. Heiko Pleines (Bremen University)
11. Imogen Sudbery (University College Dublin)