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Summary

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 EU policies work. The first part shall give a general overview of the situation of civil society (including both not-for-profit and for-profit actors) before and after enlargement. The second part explores the impact of enlargement on civil society in three different policy areas: regional, social and environmental policy. Finally, the last part focuses on civil society mobilization from CEE countries at the EU level. The special issue proposal has been submitted to Acta Politica, the provisional title is “Civil Society on the Rise? EU Enlargement and Societal Mobilization in Central and Eastern Europe”.

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I. Draft Outline: Civil Society on the Rise? EU Enlargement and Societal Mobilization in Central and Eastern Europe

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5) Conclusions (Tanja A. Börzel)

II. Abstracts of Articles

II.1 Beate Sissenich: Weak States, Weak Societies: Europe's East-West Gap

The transfer of rules, such as in the European Union's recent enlargements, requires well-functioning institutions of government as well as societal actors ready to engage with the new rules. Officials of the European Commission and other practitioners highlighted the need for both in the run-up to enlargement, while critics of the 2004 and 2007 rounds faulted the state-centric approach employed by the EU for undercutting societal actors in the new member states.

This paper examines data from the World Values Survey and World Bank Governance Indicators and shows that, far from constituting a zero-sum game, state capacity and organized interests go hand in hand: Among the 27 EU member states, countries that score high on good governance also have citizens engaged in interest organizations, volunteering for a broad variety of causes, and ready to participate in acts of protest. By the same token, in countries where governments struggle to deliver results, organized interests are insufficiently established and rarely in a position to perform governance functions. The data show systematic and statistically significant differences between old and new member states, with Eastern Europe lagging behind most of the older democracies on both dimensions, state capacity and civil society. Considerable variation within each block does not negate this basic gap. Rather than rely on nonstate actors to compensate for weak institutions of government, European policy makers need to invest in long-term efforts to strengthen state institutions and bring stakeholders into the processes of policy-making and implementation."

II.2 Amelie Kutter and Vera Trappmann: The Legacies of Accession and the Politics of Advocacy in Central and Eastern Europe

Civil society actors in Central East Europe have remained weak players compared to their counterparts in other transition countries, let alone in established democracies. Given the particular incentives the EU offered for the empowerment of non-state actors during accession preparation it is reasonable to expect EU accession to have improved the situation. This contribution reveals that, instead, the EU's impact was highly ambivalent. While EU aid and EU-induced administrative reform paved the way for established actors' involvement in multi-level politics, it made no difference to the NGOs' substantive problems (lack of sustainable income and of public actors' and grass root support) and favoured expert-driven, instead of grass-root action. The paper explores three components of a possible explanation for this outcome: legacies inherited from state-socialism and transition that mould the development of civil society actors; the EU's (limited) potential to impact on institution-building in CEE during accession preparation; and the nature of explicit and implicit measures that were part of the pre-accession strategy and that directly or indirectly affected advocacy politics in CEE. We argue that both initial conditions for development, the EU's impact potential and the nature of pre-accession measures varied strongly across time, country and policy field. Only those actors gained sustainable action capacity through the EU's pre-accession measures that could draw on a (pre-transitional) tradition of mobilisation and managed to establish themselves as watch-dogs in domestic politics during the first accession period, when the EU provided aid and external legitimation for institutional reform in certain policy fields, but did not yet effectively press for legislative adaptation. They were able to remain part of the game when the EU switched to effective *acquis*-conditionality and re-focused aid on technocratic, centralised *acquis* implementation (from 1998 on). Hence, the period of accession preparation has left a two-fold legacy to post-accession civil society actors in CEE: It empowered expert-

driven watch-dogs for EU multi-level politics (structural funds, transnational coalitions, litigation at EU level), while grass-roots and trade unions remain largely depended on local frames of action and on national regimes of corporatism.

This argument is developed in three steps: In the first instance, we resume the initial conditions NGOs met during and after transition in CEE. Secondly, the paper assesses the EU's (limited) potential to impact on these conditions by means of legal harmonisation and accession conditionality, drawing on theoretical expectations developed in the Europeanisation literature (impact potential). Thirdly, we trace back the explicit and implicit measures the EU applied in order to forge advocacy politics in CEE. We assess the effects these measures had for non-state actors, in particular for environmental NGOs and trade unions. Finally, we sketch the prospects for advocacy politics in the new member states and the future implications the legacy of accession might have.

II.3 David Lane: Civil Society in the Old and New Member States: Ideology, Institutions and the Weakness of Democracy Promotion

Civil society associations are a major component in the new democratisation proposed within the EU and its member states. The paper shows how the concept of civil society has had different meanings and roles in the evolution of the old members and those of the post-communist societies. A distinction is made between civil society as a normative concept legitimating change under state socialism and a policy recommendation in the formation of a post-socialist democratic society. The concept has the status of a normative democratic value and at others as one of the empirical components of democracy. The post-state socialist societies have been subject to a process of democracy promotion in which sponsorship of civil society has played an important role. The paper proposes a model showing the different roles played by 'civil society' as a concept and as a set of institutions in the transformation of state socialism and in the new and old member states of the EU. A 'civil society map' is constructed showing its different functions in the process of transformation of the CEEC, in the current 'old' and 'new' member states. The paper clarifies the different meanings and expectations associated with the notion of civil society. In the context of the new post-socialist new member states, civil society had to be made or manufactured by the political elites.

The paper considers empirically differences between the structures of civil society organisations in the old member states, new members and in the post socialist societies not members of the EU. Detailed comparative data on the constitution of civil society in central and eastern European member states is derived from the European Social Survey, the European Values Survey and the World Values Survey, and the U.S. Agency for International Development (USAID).

These data show the important advances which have taken place in the new member states, compared to the post state socialist societies who have not become members. However, compared to the old members it is shown that there are significant structural weaknesses in the civil society organizations. It is contended that there is a serious deficiency with respect to the efficacy of civil society associations as instruments in the process of a democratic system as well as for the articulation and defence of community interests.

Democracy promotion in terms of civil society associations are considered in terms of traditional forms of governance. It is suggested that the promotion of autonomous associations have some positive consequences. However, in the context of the post-socialist states in which traditional forms of government are weakened, it is suggested that the promotion of these forms of participation and management are a part of a neo-liberal economic and political agenda. It is argued that the promotion of effective forms of government should be a priority.

II.4 Martin Brusis: European Union Incentives and Regional Interest Representation in CEE Countries

The paper argues that the EU regional policy model implied by the Structural Funds has provided incentives for the mobilization of local and regional interests in Central and Eastern Europe. However, the strength and impact of empowerment depends on whether local or regional interest groups (1) existed as organized political actors rooted in regional communities or identities, (2) formed broader pro-regional advocacy coalitions with other political actors and (3) participated in government. Examples from Bulgaria (weak mobilization), the Czech Republic (limited mobilization) and Serbia/Vojvodina (significant mobilization) are given to illustrate the importance of domestic political actors, their resources and political strategies for explaining how the opportunity structure of enlargement is being instrumentalized in CEE countries.

II.5 Anna Gasior-Niemiec: Civil Society Actors in the Field of Regional Development Policy – The Case of Poland

The paper discusses the issue of EU-oriented attempts to empower the institutional role of civil society actors (CSOs) in the realm of public policy in the new Member States. The process to build capacity and include CSOs in the programming and implementation of public policies is analyzed using the case of social partners admitted in the field of regional development policy in Poland in the framework of the EU structural funds. Basing on the analysis, it is argued in the paper that on the one hand this process has produced more than ambivalent results in the field of regional development policy. It gave rise to wide-spread criticism and disappointment with the mode, logic and functioning of the new institutional arrangements introduced in Poland for the period 2004-2006, which led to a significant revision of the arrangements in the period 2007-2013. On the other hand, it is shown that on a more general level, the process of institutional empowerment of CSOs, its underpinnings and effects have so far contributed not so much to the overall empowerment of civil society actors vis-à-vis the state and market actors in Poland as to the reinforcement of trends towards bureaucratization and oligarchization of Polish civil society.

II.6 Tomasz Grzegorz Grosse: Social dialogue after Enlargement: The Case of Three New EU Member Countries

This paper proposal refers to the Institute of Public Affairs research, which was devoted to social dialogue related to social policies reforms in three EU new member countries: Lithuania, Poland and Estonia. The basic purpose of the paper is to answer the question about the impact of Enlargement on the social dialogue in chosen Central-East European (CEE) countries. The IPA research has found contradiction in Enlargement's influences. On the one hand social dialogue institutions were supported by European institutions, as a way to improve effectiveness and legitimacy of public policies. On the other hand the logic of European accession was based on quick transfer of vast number of regulations (*acquis communautaire*), which were not a subject to commence any changes. It made difficult to develop social dialogue in many areas of public policies, and especially - it complicated possibilities to discuss any changes in European law with social partners. Consequently, it weakened the role of social dialogue, as an effective mechanism of public reforms in examined countries.

IPA research proves the huge significance of political and administrative culture in implementation of social dialogue in CEE countries. The norms of that culture are responsible for politicization of processes as well as main actors of social dialogue. This dialogue created an opportunity for social partners to develop informal contacts with decision-makers which were

basically utilized for particular purposes - not for upgrading public policies. Furthermore (in Poland particularly), we have found the tendency to negotiate in accordance with culture of negative dialogue. It is cultural inclination to accent by social partners their different opinions and obstruct any proposals of compromises. Consequently it made difficult proceeding in social dialogue institutions. It weakened the potential of social dialogue as a tool to improve effectiveness of public reforms.

The main reason why social dialogue practices and institutions were introduced is legitimacy rationale. But not legitimation of given public policy reforms was the basic aim, but improvement of social legitimacy for political and social actors participated in dialogue. It was related to weakness of social partners (who wanted to improve its meaning and public influence). But it was also related to culture of negative dialogue, which led to stressing differences of negotiation positions and visibility in media. As a result it radically diminished scope of likely compromise and complicated progress of public reforms.

II.7 Imogen Sudbery: Europeanisation from the bottom up? Social Policy in Poland

This paper starts from the assumption that a gap remains in our understanding of the role of non state actors in Europeanisation processes in the new member states. Recent studies focusing on the former EU 15 have drawn attention to the significant impact that resourceful non state actors may have on the domestic impact of Europe, even in the absence of direct pressure from above. Yet studies of Europeanisation in the new member states still tend to focus on the extent to which pressures from Europe, mediated by different national contexts, have transformed domestic institutional and regulatory frameworks; in other words, how far the EU has succeeded in "exporting Europeanisation" (Papadimitriou, 2002). While there were of course valid reasons to justify the use of these approaches prior to enlargement, now that the twelve former candidates have become members of the Union, it is imperative to deepen our knowledge both of how non state actors have been affected by EU membership and of how the behaviour of these actors may in turn affect the impact of the EU on its member states.

The paper aims to address this research gap by analysing the way in which women's rights organisations in Poland have responded to the constraints and opportunities represented by the EU, and to what effect. In order to facilitate the analysis, three different case studies were selected to represent three different governance modes:

- Anti-discrimination legislation
- Reconciliation of work and family life
- Sexual and Reproductive rights

The first mode represents an instance of hierarchical governance, where a clear policy model is elaborated at European level which must be implemented by each of the member states. The second mode represents an instance of horizontal policy making, where a desired objective is established by the Commission (in cooperation with an array of national actors), but Member States have a good deal of flexibility in terms of how it is attained and there are no sanctions other than 'naming and shaming' for those who fail to do so. The third mode represents an area where, in theory, the EU has no competence.

Poland could in many ways be considered a 'hard case' for the analysis of these questions. Issues such as sexual and reproductive rights and the reconciliation of work and family life are particularly sensitive issues in the Polish context, where norms have been shaped by the interaction between the traditional family model rooted in Catholic teachings and the ideological legacy of Communism. As such, Polish feminist organisations remain relatively

weak, and there are many domestic obstacles to the achievement of their goals. If evidence is found to suggest that these organisations have successfully affected the speed, direction and depth of Europeanisation in the Polish case, we might therefore expect that the results would be similar in other cases where there is less domestic resistance to change.

The paper draws two clear findings from the case studies presented. Firstly, it demonstrates that EU accession has had a differential impact on different types of NGOs. This, however, has not been a purely structural process: the impact of the EU has depended on the agency of the groups. Broadly speaking, those organisations with the resources and the expertise to re-orient their activities towards new EU funding streams, as well as the financial and technical ability to apply for and manage funds, have been strengthened. By contrast, smaller organisations who had depended on funding from donors who withdrew upon EU accession have in many cases disappeared. Moreover, on closer analysis, it appears that even those organisations who have learnt to use the EU to their advantage, have found the EU to be both an opportunity and a constraint. In order to survive, some organisations feel that they have become little more than service providers for both the EU and national government, with little time or resources for advocacy activities. On the one hand, this has reduced their autonomy and narrowed their fields of action. On the other, these new areas of activity have in many cases strengthened the organisations concerned, providing them with channels of access and influence, as well as legitimacy in the eyes of the government. Furthermore, these new activities have had enabled the organisations to exert a demonstrable impact on the enforcement and implementation of EU law.

The second finding is that non state actors may use the EU in their campaigns even in the absence of pressure from above. Even though the EU has no competence in the field of sexual and reproductive rights, and hence there is no direct pressure on the Polish government to align its policies and laws, this case study found that women's rights NGOs have actively used EU resources with a view to achieving domestic change in the field. While the measurement of the impact of these activities is very complex, it is clear that contrary to the expectations of some scholars, they do have at least the *potential* to create Europeanisation effects and merit further investigation. The fact that access to national policy making is effectively blocked to these organizations has left them with no choice but to exit the national level and to seize every opportunity to utilize European arenas. In effect, a weak position on the domestic opportunity structure has provided the incentive for the NGOs to attempt to effect change by influencing EU policy.

The findings from the case studies therefore shed light on the neglected area of agency in processes of Europeanisation, and highlight the additional insights that can be gained from studying the activities of non state actors from the bottom up, rather than tracking the implementation of EU policies from the top down. The paper concludes by considering the implications of these findings for future research into the role of non state actors in Europeanisation research.

II.8 JoAnn Carmin: Building Capacity for Environmental Governance in Central and Eastern Europe

Following the fall of state-socialism in Central and Eastern Europe, it was envisioned that as civil society actors, NGOs would moderate state power by acting on behalf of society in diverse political and social arenas. In these early phases of transition, steps were taken to model policy and institutional development after those in Western-style democracies. This included efforts to integrate NGOs into many aspects of decision-making and policy implementation, particularly in the environmental arena. The desire to help environmental NGOs (ENGOS)

fulfil their democratic promise was reinforced by both domestic and foreign governments and foundations, all of which dedicated resources to newly formed organizations as well as to some state-sponsored associations active in the previous regime that now were independent. In addition to an influx of funding, organizations now had the opportunity to freely build networks, interact with a wide range of national and international peers, and access scientific and administrative information. Most studies of civil society capacity building in the region examine the impacts that specific funding programs or funders have had on a small subset of organizations. However, it is important to assess how the range of domestic and transnational capacity development efforts and interactions have shaped the overall field of ENGOs.

To understand the impacts of domestic and transnational funding, information, and interactions on ENGOs in CEE, a web-based survey was conducted in the Czech Republic, Estonia, Hungary, Poland, Slovakia, and Slovenia. To participate in the survey, organizations had to meet two criteria. First, their primary work and activities had to be related to environmental quality, environmental protection, natural resource, protected area, or biodiversity conservation and preservation, environmental stewardship, environmental health, or environmental justice. Second, they had to be a nonprofit, nongovernmental organization. A total of 783 organizations participated in the survey, resulting in a response rate of 56%. To ensure consistency in the analysis, the sample was limited to organizations that are headquarters of national organizations or the primary affiliate of a transnational ENGO. As a result, 525 organizations are included in this analysis.

The findings suggest that the field of ENGOs is increasingly differentiated with the majority of organizations drawing funding, building networks, and interacting with stakeholders within their national borders. Alternatively, a smaller and better resourced group of organizations tend to be more tightly linked to the transnational arena, including to the European Union. These differences suggest that efforts by the European Union and other international donors to build ENGO capacity may be contributing to the development of a cadre of highly professionalized and Europeanized ENGOs. While it appears that domestically-oriented and funded organizations are just as likely as their professionalized international peers to alter their agendas to obtain resources, domestic ENGOs appear to be ones most likely to achieve their goals.

II.9 Tanja A. Börzel/Aron Buzogany/Sonja Guttenbrunner: Governing EU Accession in Transition Countries: Escaping the Low Capacity Trap?

Accession appears to be both a blessing and a curse to transition countries. On the one hand, EU membership supports their transformation from authoritarian regimes with centralized planning economies into liberal democracies with market economies. On the other hand, the accession countries face great difficulties in restructuring their economic and political institutions in order to meet the conditions for EU membership. The systematic involvement of non-state actors in the adoption of and adaptation to EU requirements was thought to be a remedy for the problems of European Enlargement towards “weak” transition countries. Companies and civil society organizations could provide the governments of the accession countries with important resources (money, information, expertise, support) that are necessary to make EU policies work. To explore the domestic impact of accession on non-state actors, we focus on the Europeanization of environmental policy-making in three CEE accession countries.

The comparative study of implementation of environmental policies in Poland, Hungary and Romania shows that the accession of the three transition countries was mainly shaped by the shadow of the past. While the three countries differ with regard to their domestic structures, they equally suffer from weak governance capacities as a result of the transition process, a shared legacy of state socialism and the challenge of accession to the EU. Due to the high

compliance costs involved and the participatory requirements of many directives, EU environmental policy provides a most likely case for the emergence of “new modes of governance” potentially empowering non-state actors. Our case studies analyze non-state actor involvement in two subfields of environmental policy: industrial pollution and nature protection. The two policy subfields both entail significant implementation costs and prescribe public involvement in the policy process. They differ, however, with regard to the non-state actors they may empower. The paper argues that during accession state actors were harking back on command and control regulations that left little room for the involvement of non-state actors. Even where the policy process was successfully opened up for new actors, the shadow of hierarchy was maintained. The paper concludes that both state and non-state actors in transition countries are often too weak to make cooperation work. The double weakness of transition countries seriously constrains the empowering of non-state actors by “Europeanization through accession”.

II.10 Adam Fagan: The New Kids on the Block – Building Environmental Governance in the Western Balkans

The influence of the EU over environmental policy frameworks, plus the availability of project funding for ENGOs in acceding and candidate states across post-socialist Europe has significantly shaped action repertoires, issue agendas and patterns of mobilization. It has also been claimed that EU intervention has determined the institutionalization of ‘green’ civil society networks via the introduction of, for example, environmental impact assessment (EIA) processes and policy-making norms that emphasise inter-sectoral partnership and multi-level governance. However, research on the impact of EU assistance for environmental mobilizations in Bosnia-Herzegovina, Montenegro and Serbia, all of which are currently “potential candidate countries”, reveals the extent to which EU intervention and influence builds professionalism, but only partially institutionalizes ENGOs: if they are accorded political access at all it is ephemeral and within less contentious policy areas where they are encouraged to deliver expertise and assistance rather than to act as advocates for community interests or to express political opposition to, for example, motorway construction or the building of hydroelectric dams and energy plants. In Bosnia, for example, weak state capacity and the obfuscation of political authority have meant that the Commission is able, via the Directorate for European Integration, to directly drive legislative change. Yet, surprisingly, this delivers little dividend to the EMOs that the EU has simultaneously funded and ‘strengthened’, whose involvement in policy discussions is discretionary and sporadic. The paper will argue that professionalization is often confused with institutionalization in this context; that even when an organization gains a degree of institutionalization, this may be partial, confined to a very narrow spectrum of policy enactment, and is ultimately constrained by the absence of an efficacious environmental movement. Unlike their western counterparts, or even ENGOs in Central and Eastern Europe, organizations in Montenegro, Bosnia and Serbia have virtually no protest or political ‘capacity’ to fall back on. Institutionalization is their only development strategy and the EU is increasingly the only source of aid and assistance.

II.11 Heiko Pleines: Is this the way to Brussels? CEE Civil Society Involvement in EU Governance

Whereas state actors from the new EU member countries receive formal representation and voting rights that safeguard against their marginalisation in the system of EU governance, civil society organisations from the new member states find it much harder to gain access to decision-making processes at the EU level. However, as many of them work on issues which are now (at least partly) decided at the EU level, participation in EU governance should be-

come an integral part of their strategy. At the same time participation of civil society organisations from all member countries at the EU level can be seen as a further step towards European integration, promoting the emergence of a common European public sphere.

Based on the literature on interest representation in EU governance, five ways for civil society organisations to exert influence on political decision-making processes at the EU level can be distinguished: (1) direct consultations with the European Commission, (2) consultations with national representatives in the Council of Ministers, (3) direct consultations with the European Parliament, (4) involvement in the EESC, (5) engagement in transnational umbrella organisations and networks. For the social partners, i.e. trade unions and employers' associations, participation in the Social Dialogue presents a sixth way.

This article offers a first comparative assessment of the actual participation of civil society organisations from the CEE member states which joined in 2004. It employs (1) data on membership in European umbrella organisations of civil society, (2) exclusive interview data on direct representation of CEE interest groups in EU governance and (3) a case study of actual participation in EU governance.

In reaction to a lack of data on access to actual decision-making bodies, the participation of civil society groups in EU-wide umbrella organisations is taken as a first proxy to assess their quantitative engagement at the EU level. It can be assumed that most civil society organisations active at the EU level join an umbrella organisation. This means an analysis of the respective umbrella organisations offers a quantitative overview of civil society organisations active at the EU level and allows for comparisons between countries and sectors. Here, the data for civil society groups active in four policy fields with esp. high NGO involvement (environment, social policy in the broadest sense, development aid and human rights) will be analysed for all member countries.

In order to get a better understanding of direct access of CEE civil society organisations to EU decision-making bodies, the experience of trade unions, employers' associations and environmental NGOs from the Czech Republic, Poland and Slovakia have been examined. With that three major groups of organisations (workers, employers and NGOs) are covered. At the same time the specific civil society organisations were consciously selected as cases of maximum influence potential rather than as representative of the CEE member states in general. This is due to the prevailing assumption of the relative weakness of civil society organisations from the new member states at the EU level. The results thus offer a best case scenario of what CEE civil society organisations are able to achieve in EU governance. Data for this analysis are based on more than 100 interviews conducted face-to-face in summer and autumn 2007. They included a survey with forty-three questions as well as semi-structured interviews.

Formal representation at the EU level is, however, only a weak indicator of actual participation and influence in decision making processes. That is why a case study of some of the most influential civil society organisations from Central and Eastern Europe, namely Czech environmental NGOs, has been added to give a qualitative assessment of maximum participation and impact in a best case scenario.

Based on these data the participation rate of civil society organisations from CEE in EU will be compared to those from old member states. In addition the use of different channels of influence can be analysed in a comparative perspective. The article will close with a brief assessment of the impact of the engagement of CEE civil society in EU governance.

II.12 Charalampos Koutalakis: Members Only? The Involvement of CEE Civil Society in Transnational Regulatory Networks

In recent years, most enlargement research focuses on theorizing the process of eastern enlargement and analysing the incentives of both the EU and candidate member states to initiate a gradual process of legal and policy approximation with the prospect of eventual membership. In the context of the recent enlargement of the EU with the inclusion of ten new member states mostly from the Central Eastern European region (CEE) literature largely focuses on the candidates states' fitness to join the EU with emphasis on the extent to which they fulfil the criteria for membership specified in the 1993 Copenhagen and 1995 Madrid Councils with emphasis on democratic institutions, human rights and the rule of law, credible and functioning structures and institutions and the development of administrative and judicial capacities to effectively implement the *acquis communautaire*. While the bulk of the literature draws on bilateral executive negotiations between the European Commission and central governments, there is little systematic account of the role of non-actors in the process of policy approximation with EU standards during the pre-accession negotiations. In light of the enormous economic, political and administrative challenges posed by the EU's eastern enlargement, we raise the question of the extent to which private actors commit their resources into the process of aligning domestic regulatory regimes to European policies. Drawing on empirical evidence from pharmaceutical harmonization in Hungary and Poland the paper analyses the role of new state actors as crucial determinants of success or failure in the efficient and effective adoption of adaptation to EU regulatory requirements.