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The impact of EU conditionality on civil society  
development in the Balkans: Eastern and Western  
Balkans in comparative perspective

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## **LIST OF ABBREVIATIONS**

CARDS.....	Community Assistance for Reconstruction, Development and Stabilization
CDR.....	Democratic Convention for Romania
CRTA.....	Center for Research, Transparency and Accountability
CSO.....	Civil Society Organization
EC.....	European Commission
ECS.....	European Economic and Social Committee
EEA.....	European Economic Area
EU.....	European Union
EVS.....	European Values Survey
F.Y.R.O.M.....	Former Yugoslav Republic of Macedonia
FSN.....	National Salvation Front
GDP.....	Gross Domestic Product
HDI.....	Human Development Index
ICTY.....	International Criminal Tribunal for the former Yugoslavia
IMF.....	International Monetary Fund
INGO.....	International Non-Governmental Organization
IPA.....	Instrument for Pre-Accession Assistance
LBGT.....	Lesbian, Gay, Bisexual, and Transgender
NGO.....	Non-Governmental Organization
PHARE.....	Assistance for Economic Reconstruction in Poland and Hungary
S.F.R.Y.....	Socialist Federal Republic of Yugoslavia
SAA.....	Stabilization and Association Agreement
SAP.....	Stabilization and Association Partnership
USA.....	United States of America
USAID.....	United States Agency for International Development
USSR.....	Union of Soviet Socialist Republics
WVS .....	World Values Survey
WWII.....	Second World War

## **ABSTRACT**

This paper seeks to examine the relationship between EU conditionality and civil society development in the Balkans. After discussing relevant concepts pertaining to civil society development in the post-communist world, Europeanization, EU governance and foreign policy as well as theories of social capital building, two cases studies are introduced and compared, namely Serbia and Romania, representing the Western and the Eastern Balkan region respectively. The comparison aims to provide insight on the impact of EU conditionality on the trajectory of each country's civil sector in the last two decades, expecting that civil society would be gradually strengthened due to increasing EU integration over time. The findings of the research suggest that while compliance with EU conditionality has resulted in increased performance in formal institutions which according to the institutional theory of trust is key for the creation of a vibrant civil society, it does not appear to have resulted in significant improvements in the viability of the civil sector or, more importantly, in the willingness of citizens to participate in civil society organizations in either of the two countries.

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# Introduction

The interest in civil society studies in academia skyrocketed in the early 1990s after the fall of the Soviet bloc and continues to thrive in post-communist Europe, as in most other regions of the world. The contribution in the overthrow of the totalitarian regimes in Eastern and Central Europe by civil society actors was seen as a testament to the political power of the people. It also resulted in the intellectual rediscovery of the concept of civil society which escaped from the constraints of national borders and was reconceptualized as a global civil society. This modern understanding of civil society generally views it as a vehicle of social capital and a promoter of positive social change. But what is civil society to begin with? Textbook definitions like one provided by the Collins English Dictionary that define it as the "aggregate of non-governmental organizations and institutions that manifest interests and will of citizens" are not enough by themselves to provide a deep enough understanding. It is a vastly multi-dimensional concept, one which has evolved and inflated immensely since the early days of its conception which date back to antiquity. Therefore, one of the earlier objectives of this paper is to provide an adequate amount of conceptual clarity regarding this complex phenomenon which is one of the two main focal points of this thesis.

The other main focal point relates to Europeanization which - much like "modernization" or "westernization" – is a rather nebulous term. It can be abstractly conceived as "becoming more European like". When it comes to the European Union, Europeanization in its many forms, is a necessary prerequisite for states aspiring to join this complex supranational entity. As part of its enlargement agenda, the EU seeks to induce Europeanization in candidate countries in order for them to meet the membership criteria. The most common way to achieve this is by employing what is usually referred to as "conditionality", which is widely regarded as the fundamental EU foreign policy tool. Conditionality can be defined as the use of conditions attached to the provision of benefits. It is also well established in literature, that EU conditionality works best on its intended targets when it includes the prospect of EU membership instead of just isolated rewards.

The notion of developing a strong civil society is frequently found in the discourses of many EU institutions. This is because civil society is widely linked with the values of

democracy, tolerance, peace and non-violence, transparency, trustworthiness and is generally regarded as a crucial component of any consolidated democratic system. It is therefore regarded as a vehicle of Europeanization and its development is a major objective for candidate countries that wish to accede to the EU. Consequently, it does not come as a surprise that it is included in the EU's conditionality policy. However, there is literature suggesting that the calls for the development of robust civil societies are more than a means to accelerate democratization in the domestic level. They may also aim at combating the long-debated "democratic deficit" problem in EU governance by endorsing a "European Civil society" which will play exactly the same role at the supranational level as each national civil society plays in the national level, bridging the gap between decision makers in Brussels and EU citizens.

Because of the above, the state of civil society in post-communist countries became an object of interest very soon after the collapse of the communist regimes as an invaluable contributor to their democratic transition. Unfortunately, the vast majority of the early literature on post-communist civil society limited itself to stressing out its weakness, usually based on the observed low citizen participation in Civil Society Organizations (CSOs). While not completely disagreeing with this argument, this paper also makes a case for a more multi-dimensional approach to assessing the strength of civil society which goes beyond levels of citizen participation in the sector.

When it comes to the region under study, the Balkans, the EU has set the development of robust civil societies as a major objective to facilitate their accession. The majority of their constituent states are generally included in the "weak post-communist civil society" notion and the case studies chosen for this thesis, namely Serbia representing the Western Balkans region and Romania representing the Eastern Balkans region, are no exception. However, there is a stark difference in the way the EU has chosen to approach each region particularly after 1999. Specifically, as supported by many, the Eastern Balkan states were "rushed in" the European family due to security and geopolitical concerns while the Western Balkan states were subject to very stringent conditionality which has left most of them until today outside of the EU. The difference in the intensity of EU conditionality between the two regions is at the center of the comparison between the civil sectors of the two countries which is to be presented in the later sections. In other words, the objective of the comparison is to display whether

the difference in the intensity of conditionality has influenced the development of the civil society sector of each country in a different manner.

An essential element of this approach is its connection with the institutionalist theory to social capital building which has been dominant in social capital studies in recent years. This approach views social and political concepts, such as institutions and equality, as sources of social capital. Perceptions of fairness and impartiality in the performance of public institutions are a crucial variable affecting the creation of generalized trust, the building of social capital, and consequently, a vibrant civil society. Therefore, it is expected that conditionality-induced improvements in the performance of formal institutions will produce manifested positive outcomes which will bolster civil society in the countries concerned.

Taking all of the above into consideration, the central objective of this paper is to display how EU conditionality has affected the development of civil societies in the Balkans over the last two decades and whether there are observable differences between the Eastern and Western Balkans region that could be attributed to the difference in the intensity of conditionality that the EU has applied in each case. The main conclusion is that while compliance with EU conditionality resulted in increased performance in formal institutions which according to the institutional theory of trust is key for the creation of a vibrant civil society, it does not appear to have resulted in significant improvements in the viability of the civil sector or, more importantly, in the willingness of citizens to participate in civil society organizations in either of the two countries.

The paper is structured as follows: The first chapter explores various definitions for the concepts of civil society and social capital, highlighting the crucial link between them. It also reflects on the importance of civil society for the EU, discusses “top-down” and “bottom-up” approaches to Europeanization and social capital building along with mechanisms through which the EU influences civil society. The second chapter deals with the notion of the flat, “weak post-communist civil society” and subsequently explores the root causes of the vastly different conditionality policy that the EU has chosen to follow for each region (Western and Easter Balkans) since their transition to democracy. The third and fourth chapters are dedicated to analyzing the EU integration history, the civil society historical background and various quantitative indicators of the civil sector of the two case studies (Serbia and Romania), ending with an overall

outlook for each country. Finally, the fifth chapter provides a comparison between the two countries regarding the trajectories of their civil societies under the influence of EU conditionality based on the findings of the previous two chapters, as well as some final remarks on the general findings of this thesis.

# **CHAPTER 1**

## **Civil society and the EU: the role of Europeanization-induced conditionality**

### **Introduction**

The first chapter initially explores various definitions for the concepts of civil society and social capital, highlighting the crucial link between them. Particular emphasis is placed on various perspectives on social capital because they are directly connected to theories of social trust discussed in a later section. Subsequently, the chapter reflects on the importance of civil society for the EU as a promoter of Europeanization but also as a potential way to tackle the “democratic deficit” problem in EU governance. Additionally, “top-down” and “bottom-up” approaches to Europeanization and social capital building are explored as well as the most important tools the EU has at its disposal to strengthen civil society drawing from examples from the Baltic states and Turkey. The chapter concludes with potential issues that may arise in the EU’s efforts to influence civil society development.

### **Civil society and EU governance**

There is no commonly accepted definition for the concept of civil society and more often than not, it is defined vaguely. As a result, it is not easily opened for empirical scrutiny. The term itself originates from Aristotle's phrase *koinōnía politiké*, occurring in his *Politics*, where it refers to a “community”, commensurate with the Greek city-state (*polis*) characterized by a shared set of norms and ethos, in which free citizens on an equal footing lived under the rule of law. Its purpose was common wellbeing. The modern understanding of civil society first began to take shape in late medieval-early modern Europe and by the late eighteenth century certain political forces within civil society became strong enough to successfully challenge the power of monarchies (Bernhard, 1993, p. 308). It began to be understood as a realm separate from the state during the 18<sup>th</sup> and 19<sup>th</sup> century.

Modern definitions are plentiful. The World Bank for example, has adopted a definition of civil society developed by a number of leading research centers: “the term civil society (is used) to refer to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide variety of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations” (World Bank, 2013).

Juan Linz and Alfred Stepan (1996) in their work “Democracy and its Arenas” present civil society as one of the five arenas of a consolidated democracy and define it as the “arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests. Civil society can include manifold social movements (women’s groups, neighborhood associations, religious groupings, and intellectual organizations) and civic associations from all social strata” (Linz and Stepan, 1996, pp 7).

Civil society is often seen as an advocate of values such as democracy, tolerance, peace and non-violence, transparency and trustworthiness. It is also considered by many as the ultimate guarantee – the last safeguard – of democracy and freedom when all other core democratic institutions fail. Additionally, many are interpreting the fall of communist regimes partially as a result of civil society’s mobilization to overthrow an oppressive regime. Linz and Stepan further note that “The idea of civil society, as a normative aspiration and as a style of organization, had great capacity to mobilize the opposition to the military-led bureaucratic – authoritarian regimes in South Africa, most notably in Brazil, and was crucial in Eastern Europe as a vehicle for asserting the autonomy of those who wanted to act ‘as if they were free’, especially in Poland” (Linz and Stepan, 1996, pp 7).

The development of a strong civil society is closely associated with the existence of “positive social capital”. The notion of social capital, much like that of civil society, runs the risk of meaning “too many things to too many people”. James S. Coleman for example a set of norms and expectations underpinning and facilitating economic

activity in the market system. Groups that have accumulated social capital can also reap gains in terms of economic capital, in contrast to other groups having little social capital and therefore less success at accumulating economic capital (Sotiropoulos, 2005, pp 243-244).

Robert Putnam on the other hand argues that social capital involves aspects of collective behavior aside from the norms and expectations facilitating profitable economic activity. “It involves social networks of civic engagement and norms of reciprocity. Networks and norms are the sources of social trust in contemporary societies. Examples of relevant networks are choirs, cooperatives, sports clubs and political parties” (Sotiropoulos, 2005, pp 244).

Francis Fukuyama in a paper prepared for delivery at the IMF Conference on Second Generation Reforms in 1999 defines social capital as “an instantiated informal norm that promotes cooperation between two or more individuals” (Fukuyama, 1999). It is based on relations of honesty, commitment, successful execution of duties/responsibilities and reciprocity within the members of a society.

Finally, Sotiropoulos adopts a more comprehensive definition: “social capital is a set of attitudes and relationships including interpersonal trust, trust towards institutions, and participation in formal and informal associations and organizations. In other words, social capital involves relationships, shared knowledge, beliefs and patterns of interaction used by groups or actors (Sotiropoulos, 2005, pp 244-245).

Whatever definition for civil society or social capital is adopted their immediate connection stands true. A vibrant civil society is dependent upon the existence of sizeable social capital. Theories and policies for strengthening civil society and accumulating social capital will be discussed more analytically in a later section. For now, attention should be paid to the relationship between civil society and the European Union which is a major point of focus of this paper.

The European Commissions’ website on the “Human rights and democratic governance” sector reads: “An empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth. It is an important player in fostering peace and in conflict resolution. By articulating citizens' concerns, civil society organizations are active in the public

arena, engaging in initiatives to further participatory democracy and governance" (European Commission, 2012). This is an extract from an EU Commission Communication in 2012 which calls for strengthened "links with civil society organizations, social partners and local authorities, through regular dialogue and use of best practices"....to support the emergence of a local civil society which can effectively contribute to dialogue with public authorities and to oversee public authorities' work" (European Commission, 2012). Three priorities are put forward by the commission in the communication paper: a) Enhancing efforts to promote a conducive environment for CSOs in partner countries, b) Promoting meaningful and structured participation in programming and policy processes to build stronger governance and accountability at all levels and c) Increasing local CSOs' capacity to perform their roles as independent development actors more effectively. The Commission also created roadmaps for engagement with civil society in partner countries in order to strengthen CSOs at local level. These roadmaps are specifically adapted to each country and include countries from the EU's southern and eastern neighborhood as well as countries from Africa, Asia and Latin America.

It is quite clear that European Union sees a lot of potential for accelerating Europeanization through the development of civil society. Particularly for South East Europe accession candidates the EU has set the development of robust civil societies as a major objective to facilitate their accession (Bechev and Andreev, 2004). But there is also literature suggesting that desire of the EU to push for the development of "civic skills" through robust civic societies in the national level also has another dimension.

Literature on EU governance has stressed for a long time now the structural "democratic deficit" problem of the EU decision making process (the fact that the governance of the European Union lacks democratic legitimacy). The issue is still extensively debated but the main arguments revolve around the relative weakness of the only two institutional sources of democratic legitimacy within the EU, the European Parliament and the Council of Ministers, and the key role of the Commission as the legislation initiator. Some authors have suggested that particularly from the 1990s onwards, the concepts of "civil dialogue" and "civil society" had secured a place into the discourses of the European institutions because they were seen as a way to reduce the problem of legitimacy the EU faces. Smismans (2002) for example points out two EU institutions that have made extensive reference to these concepts, namely the European

Commission (EC) and the European Economic and Social Committee (ESC). The ESC issued an Opinion in 1999 on “the role and contribution of civil society organizations in the building of Europe” in which it defines its role as guaranteeing “the implementation of the participatory model of civil society; it enables civil society to participate in the decision-making process; and it helps reduce a certain “democratic deficit” and so underpins the legitimacy of democratic decision-making processes” and argues that “the democratic process at European level - even more so than at national level - must provide a range of participatory structures in which all citizens, with their different identities and in accordance with their different identity criteria, can be represented and which reflect the heterogeneous nature of the European identity” (Smismans, 2002, pp 13-14).

In other words, the EU attempts to establish civil society as a legitimate partner in decision-making processes by endorsing a “European Civil society” which will play exactly the same role at the supranational level as each national civil society plays in the national level. In it, the EU saw a possible way to bridge the gap between supranational governance and citizens by attempting to create a European public sphere. However, most authors agree that this European public sphere has hardly materialized as of yet with some even suggesting that it does not exist at all outside the EU institutions’ rhetoric and in any case, it does not translate to real participation in decision-making. Saurugger (2007) for example notes that “Although non-state actors do take part in the decision-making processes, this discursive agreement does not entail that there exists a homogenous entity that corresponds to this new category nor that the principle of the participative standard is applied. Despite its real effects, the implementation of the democratic standard remains partial and its discursive importance does not correspond to actual policy making” (Saurugger, 2007, pp 13). Smismans (2002) also suggests that “the internal governance procedures of the European associations are not sufficiently democratic to make these organizations key actors of the socialization process needed to democratize the EU” (Smismans, 2002, pp 21). Finally, Heidbreder (2012) notes that “...EU civil society is unlikely to quickly develop into a unified and coherent entity but will for some time remain an assemblage of most Europeanized national publics. These national publics are more likely to format a joint sphere of contestation based on multiple, layered identities than a transmission

belt between supranational institutions and the single citizen" (Heidbreder, 2012, pp 28).

## Europeanization and civil society development– testing bottom up and top down approaches

Europeanization - much like “modernization” or “westernization” – is a rather nebulous term that had always suffered from “conceptual stretching” (that it can mean too many things at the same time and loose most of its value as an analytical tool as a result). It can be referred to very generally as 'becoming more European like', the process in which a notionally non-European subject (whether it is a culture, a language, a city or a nation) adopts European features. In its most explicit form Europeanization is usually conceptualized as the process of downloading EU directives, regulations and institutional structures to the domestic level (Howell, 2002). However, the concept of Europeanization has been extended in literature to mean more than that.

The two main approaches to Europeanization involve the “top-down” and “bottom-up” approach. In the first case, change is emanating from the impact of the European Union onto national policy. The state is viewed as re-active towards changes in the union. One of the earliest conceptualizations of this approach is by Ladrech who defines Europeanisation simply as “an incremental process of re-orienting the direction and shape of politics to the extent that EC political and economic dynamics become part of the organizational logic of national politics and policy making” (Ladrech, 1994). A more recent definition by Moumoutzis argues that Europeanisation should be defined as “a process of incorporation in the logic of domestic (national and sub-national) discourse, political structures and public policies of formal and informal rules, procedures, policy paradigms, styles, “ways of doing things” and shared beliefs and norms that are first defined in the EU policy processes” (Moumoutzis, 2011). A clear-cut example of top-down Europeanization is the transposition of EU directives into national law.

From the bottom-up approach, Europeanization occurs when states begin to affect the policy of the European Union in a given area. Howell, describes it as a process of “uploading to the EU, shared beliefs, informal and formal rules, discourse, identities and

vertical and horizontal policy transfer” (Howell, 2002). “Horizontal policy transfers” refer to the transfer of politics, policies and policy making between member states of the European Union based on “best practice” and mutual recognition. As Featherstone and Kazamias (2001) argue, domestic structures are not the passive recipients of EU impacts. “Domestic and EU institutional settings are intermeshed, with actors engaged in both vertical and horizontal networks and institutional linkages” and that “... Europeanization is assumed to be a two-way process, between the domestic and the EU levels, involving both top-down and bottom-up pressures” (Featherstone and Kazamias, 2001). For example, national parliamentary involvement in EU policy-making by definition, - of course itself being a result of Europe’s effect on the member states in the 1990s - can be conceptualized as a feature of the bottom-up dimension.

When the “Europeanization” of civil society is concerned, a similar top-down / bottom-up logic can be incorporated. Sotiroopoulos (2005) for example, identifies seven strategies for developing positive social capital:

- 1) A “top-down” approach of institutional development by which new political and administrative institutions are created and gain legitimacy by being effective, efficient, responsible and transparent. Examples include reliable legal institutions (such as the justice system) and successful protection of minority rights. By establishing a good track record, institutions gain the trust of the citizens.
- 2) A “bottom-up” approach which involves the development of individual participation in voluntary associations and community projects over time. Gradually, citizens may come to trust other citizens beyond their immediate kin, neighborhood and professional circles. Interpersonal trust rises and with the passage of time is expanded in concentric circles until it is transformed into trust in political and administrative institutions. Examples from Eastern Europe include Charta 77 in Czechoslovakia and Solidarity in Poland (Warren 1999) which although they did not increase trust towards the communist institutions they helped increase interpersonal trust among participants and trust in new institutions, such as dissident movements.
- 3) Economic growth: The increase in the well-being of the citizens leads to increased levels of interpersonal trust. By contrast, economic decline and increasing scarcity of resources are related to a decline of trust because limited resources are to be

distributed among the same number of individuals who previously enjoyed prosperity.

- 4) Political stability and security: An increase in both national and personal security as well as the absence of internal political turmoil increases trust in institutions.
- 5) Instilling altruistic trust in society by tapping the “moral resources” of each individual, for instance, through socialization and formal education. Developing altruistic trust would require the deployment of moral sanctions against those who would defect, as well as demonstration of the benefits of respect for and virtuous actions towards other members of one’s society.
- 6) Reinforcing pre-existing local institutions: The provision of incentives to build small-scale and gradual building of trust at the local level rather than large-scale nationwide civic initiatives “from below”.
- 7) The European Union factor: External pressure from the EU towards the strengthening of civil society and democratization. This strategy materializes mainly through EU conditionality processes such as the Stabilization and Association Process or through specific EU funding mechanisms like CARDS (in the past) and IPA (presently) (Sotiropoulos, 2005, pp 251 – 253).

A logical following question would be which of these policies is in practice more effective for strengthening civil society. Bailer, Bodenstein and Heinrich, (2009) provide some interesting empirical results using multivariate analysis. They use “civil society strength” (using data from the CIVICUS project) as an independent variable and test it against multiple variables such as socioeconomic modernization, historical political culture, quality of governance, social capital, ethnic and religious fragmentation, democratic Governance, International NGO density (INGO) and international trade. Their findings suggest that the strength of contemporary civil society does not seem to be dependent on historical legacies. Neither the length of democratic experience nor the experience with communist rule is an important factor for the state of contemporary civil society. They also do not find empirical support for the argument that international aid plays a direct role in fostering civil society. Socioeconomic factors (measured mainly through GDP per capita and the HDI index) on the other hand do have a positive effect. But the most important result is there is a strong and positive effect of the performance of political institutions on civil society. The authors note that “better governed states, reliable institutions and credible civil

servants and politicians are conducive to the creation of a vibrant civil society” and “Thus the challenge is to foster strong governing elites, reliable administrations and democratic institutions, and, at the same time, strong civil societies” and “...in our view, it is likely that the stronger influence runs from the powerful and encompassing political and economic systems to civil society, rather than vice versa. (Bailer, Bodenstein and Heinrich, 2009, pp 18-19). These findings clearly endorse the “top-down”- institutionalist approach as the most effective and suggest that the foundations of a vibrant civil society do not lie in CSOs themselves (or International aid - INGOs for that matter) but rather in the trust of citizens in each state’s political and administrative institutions.

## EU conditionality and civil society development

With all of the above being said, it is also important to discuss the tools the EU has at its disposal to strengthen civil society, or at least the most important of them. As it is widely asserted, what is commonly referred to in literature as “EU conditionality” is the most powerful EU foreign policy tool for all Europeanization and EU integration processes. “Conditionality” can be defined as the use of conditions attached to the provision of benefits. In the case of the EU such benefits take the form of Union funds, various agreements, Stabilization and Association Partnerships, accession negotiations, full membership etc. In simple words, “rewards” that bring states closer to the EU and the European “way of doing things”.

Schimmelfennig and Sedelmeier (2004) define EU conditionality as “...a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions” and they judge its effectiveness by how much this leads to successful “rule transfer” (of EU rules to the domestic level). There are however, domestic adoption costs which are taken into account by local governments before taking action (for example the political costs of an authoritarian government adopting liberal democratic rule). Their “external incentives” model therefore suggests that states are involved in a cost-benefit analysis regarding their reaction to EU conditionality with “a state adopting EU rules if the benefits of EU

rewards exceed the domestic adoption costs”. This is labeled by the authors as “democratic conditionality” referring to the fundamental political principles of the EU, the norms of human rights and liberal democracy etc. By contrast, *acquis conditionality* concerns the legislative adoption of the *acquis communautaire* and is found to be a lot less susceptible to domestic adoption costs, affecting only the speed of rule transfer but not its overall effectiveness. The authors also suggest that aside from adoption costs, there are also other concerns about the limits of EU conditionality, such as what happens after accession when the higher external incentives (namely the “carrot of membership”) are gone and whether because of that conditionality potentially loses power (Schimmelfennig and Sedelmeier, 2004, pp 662-664, 675-676).

It is therefore important to investigate which tools of EU conditionality directly affect civil society development. A quite obvious issue here is that, given the various “fuzzy” and “over-stretched” understandings of the concept of civil society, a quite large list of impact mechanisms can be supported by adopting one definition or another. For our purposes, we require a broader definition like the one provided by Linz and Stepan in the early part of this chapter which goes beyond NGOs and includes the importance of social values and interest representation through CSOs.

Spurga (2006) in a paper evaluating the impact of European integration on civil society in the Baltic states, identified and evaluated the relative effect of four mechanisms: 1) The political criterion of democracy and the rule of law, 2) The EU programmes for democracy promotion and direct aid, 3) Reforms and legal adaptation to comply with the *acquis communautaire*, 4) Transnational networks and interest representation at the EU level.

The political criterion required a stable base of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. In the 1997-2002 period, the Commission issued yearly reports on topics such as the rule of law, civil rights, the role of political opposition, fight against corruption, the situation of civil society, with recommendations for improvement for each candidate country. But this feedback was based on indicators which were not elaborated in the reports. Additionally, clear targets for civil society development were not analyzed in detail by the EU institutions. Because of these facts, the evaluation of the impact of the political criterion was difficult for the author (Spurga, 2006 pp 101-102).

The EU programmes for democracy promotion and direct aid referred mostly to the provision of financial support through the (now defunct) PHARE framework. Although the aid to civil society composed only a small part of the total EU financial assistance with most of the funds directed to strengthening administration and public institutions, they did manage to strengthen NGOs but with ambiguous results. According to one point of view, the EU's democracy aid programmes have offered additional resources for national executives to exert influence at the expense of civil society actors. On the other hand, others have underlined the fact that a democratic state needs a strong and trustworthy administrative apparatus in order to establish the conditions for a strong civil society (Spurga, 2006 pp 102-105).

The reforms and legal adaptation to comply with the *acquis communautaire* have been in fact evaluated as damaging for civil society by the author for a number of reasons. The main one is that the sheer volume of legislation that the *acquis* entails is a result of centuries of western democratic tradition and experience that the states which face post-communist transformations cannot adopt in a matter of a few years. As a result, the political agenda of the countries concerned is overburdened and it becomes nearly impossible to carry out detailed discussions on the upcoming changes while also evaluating the opinion of non-governmental actors. This led to an impression that decisions are made far away in Brussels and that domestic actors are there to just comply with them without being able to influence them (Spurga, 2006 pp 106-107).

Finally, the EU has played an active role in establishing links between CSOs in the Baltic states and the older member states. This happened because Baltic organizations such as professional organizations, trade unions, business associations, political parties started to become active at the EU level by seeking membership in corresponding European federations and NGO partnership programs across Europe. As they acquired representation in the supranational level they saw the potential of lobbying there to represent their interests and influence European decision makers. However according to the author, they saw only limited success due to factors such as the lack of resources to successfully defend their interests, the lack of a lobbying tradition and even illegal channels of influence (Spurga, 2006 pp 106-107).

The example of the Baltic states provides useful insight on how EU conditionality might affect civil societies in relatively small (in economic terms), post-communist states as

they share some structural similarities with the Balkan countries which will be studied in detail later in this paper.

However, a different example, that of Turkey, sheds light to a different dimension of the results of EU impact on civil society. Turkey may not be a post-communist country but it is a prominent case where the transformation of civil society was seen as a major avenue for Europeanization and the facilitation of its accession bid. Specific policies were applied to Europeanize and democratize Turkish civil society by targeting domestic NGOs. Ketola (2010), however argues that “Turkish NGOs respond to EU policy in a variety of locally meaningful ways that may circumvent the stated policy outcomes” and for a “gap between policy and reality” which leaves a lot of space for NGOs to exercise their agency with unpredictable outcomes for Europeanization (Ketola, 2010, pp 3). Turkish civil society has developed in different manner than its European counterparts, fostering NGOs that are highly politicized in their activities and cultivating social debates that are essentialist rather than compromising in nature. Because of this, Turkish NGOs are reluctant to cooperate and work together. An example of the politicization of civil society are the groups that support secular reforms versus traditionalists who support the Islamic character of society. In this politically charged context, Turkish CSOs respond differently to EU conditionality. In some cases, EU funding may be outright rejected on the grounds that it constitutes an imperialistic agenda for trying to influence domestic policy and politics. In other cases, it is seen as unfair, remaining unreachable for many CSOs or with too complicated monitoring criteria. In those cases, NGOs may refuse to accept EU policy at face value and maneuver in ways that reconcile their own goals with those of EU (Ketola, 2010, pp 222). In other words, Turkish NGOs do not passively accept the top-down agenda set by the EU civil society funding framework but often find creative ways to circumvent and resist the EU's objectives.

The Turkish case proves that the instruments of EU conditionality require dedication to the European vision of civil society and its policies in order to produce their intended outcomes or else “gaps” between policy and reality which can be potentially exploited for other purposes may arise. Variables such as political culture (which overlaps significantly with religious culture in the Turkish case), the historical structuring of civil society, the strength of NGO agency and their capacity for agenda setting can significantly affect the end results of the EU's policies. The disconnect between EU

civil society conceptions and funding priorities with conditions on the ground is likely to produce poor results ranging from a waste of assets to the use of those assets for very “anti-European” purposes.

## **CHAPTER 2:**

### **The EU and civil society in the Balkans**

#### **Introduction**

This chapter deals with established perceptions of Balkan and post-communist civil societies in general as well as with the approaches that the EU has taken regarding conditionality in each of the under-study regions (Eastern and Western Balkans). Initially, the popular notion of a flat, weak post-communist civil society is challenged by adopting a more multi-dimensional approach (one which goes beyond levels of civic engagement). Subsequently, the stark difference in the intensity of EU conditionality between the two regions is highlighted and its causes are explained. It is also argued that the variation in the rigorousness of EU conditionality can be explained on the one hand by long-established principles achieved through integration, and on the other on a pragmatic assessment of the local environment and security considerations.

#### **Post-communist civil society and the Balkans: is post-communist civil society weak?**

A large body of literature written mainly in the first decade of transition suggests that civil society in post-communist Europe, including the Balkans, is weak. Authors such as Rose (1999), Mishler and Haerpfer (1996), Bernhard and Karakoç (2007) and Ely (1994) have all supported similar viewpoints concerning democratic consolidation and civil society development in post-socialist Eastern and South-Eastern Europe: low levels of membership in voluntary associations, reduced public participation compared

to post-authoritarian regimes, the inefficiency of the new democratic states to develop and strengthen civic initiatives and participation in governance and a generally low level of trust in the institutions of representative democracy. In other words, the early literature on transitional democracies painted the picture of an “empty shell”, of regimes that had typically managed to set up democratic institutions and procedures but had not managed to instill the democratic principles of association and participations in civil life and governance to their citizens.

But probably the most well-known example of such literature is Marc Morjé Howard’s work (2002) which asserts that post-communist civil society is characterized by low levels of voluntary participation in civil society organizations and attempts to describe the causes and consequences of this weakness. Using data from The World Values Survey of 1995-1997, he shows that unlike post-authoritarian regimes and older democracies, post-communist countries consistently display lower levels of organizational membership in CSOs (Appendix Table 1). He attributes this distinct difference to the fact that communist regimes “not only sought to repress all forms of autonomous nonstate activity but also supplanted and subverted such activity by forcing their citizens to join and participate in mandatory, state-controlled organizations” (Howard, 2002, pp 159-160). He then provides three main reasons for the lasting weakness of civil society in those regions: 1) the legacy of mistrust of communist organizations in which participation was often mandatory and related to obligations and political pressure, 2) the persistence of strong private networks which due to restrictions of expression allowed people to express themselves openly only within close circles of trusted friends and family and 3) general post-communist disappointment by the new democratic system that failed to elevate the lives of citizens to their expectations. However, he also identifies two mechanisms of change: a) generational change, as younger post-communist citizens less influenced by the experience of life in a communist system come of age (the expectation therefore is that those people who dislike and avoid voluntary organizations will eventually die off, replaced by younger generations that might be more sympathetic to such activities) and b) the “encouraging of post-communist citizens to acquire familiarity, comfort, and a new positive association with voluntary organizations” (Howard, 2002, pp 166-167). The latter seems to be a call for a “bottom-up” approach to civil society development, especially since Howard immediately proceeds to point out the ineffectiveness of Western-created

organizations that depend to varying degrees on Western funding or Western support in general and whose “appeals for members often come across as empty or unfamiliar at best, or foolish and misguided at worst” (Howard, 2002, pp 167). Nonetheless, he does not explain how this “encouraging” process should take place.

Other authors such as Michael Bernhard and Ruchan Kaya argue that it is not appropriate to characterize civil society as strong or weak in a blanket fashion and that it is not very useful to compare post-communist countries with others that have long-consolidated democracies. It is only natural that these countries will display more robust civil societies because they are further along in the democratization process. Additionally, they point out that there is significant inter-regional variation in civil society strength among the post-communist states. They conclude that “looking at differences in the strength of civil society at moments of transition is a good indicator of how durable that transition will be” (Bernhard and Kaya, 2012).

Finally, although it is but a handful, there is also literature that suggests that civil society in the Balkans is not as weak as often perceived to be. Ekiert (2012) for example that civil society in post-communist Europe and the Balkans is not weak since countries in the region have produced outcomes that were hardly expected of when they had come out of communist rule. Several countries have also developed consolidated democratic systems, functioning market economies and efficient democratic states with extensive welfare policies and relatively low inequality (Ekiert, 2012). Additionally, he also points out the variation in the degree of civil society strength with some countries perceived to be a success while others as failures.

In another paper, Ekiert and Foa (2011) support that “post-communist civil society” does not even exist as a concept once again due to the different levels of development and different qualities of each country’s civil society. They support that, in fact, some post-communist countries have vigorous public spheres and active civil society organizations strongly connected to transnational civic networks and are able to shape domestic policies actively while building their own associational structures without suppression. When the Balkans are concerned in particular, the “weak civil society” argument may come to just pile-up with the rest of the stereotypes and faulty generalizations the region traditionally suffered from particularly in American academe, even up until recent years.

A rather obvious observation to be made here is that the data used to establish the weak post-communist civil society paradigm is almost twenty years old by now and the current state of affairs may be different. It is also interesting that the limited amount of literature that suggest the opposite is much more recent. A look at newer empirical data about organizational memberships might therefore prove useful. Using Howard's methodology to calculate organizational memberships per person in 10 different CSOs, it was attempted to use as many countries from Howard's example (Appendix Table 1) as possible (as many as were available in WVS Wave 5 and 6) in order to make the two tables as comparable as possible.

The two more recent waves of the World Values Survey provide a fairly similar picture: Compared to Howard's older findings, the post-communist mean is slightly improved while the post-authoritarian mean and older democracies mean is marginally decreased (Appendix Table 2). While the post-communist countries are still lagging behind towards the other two categories, there is an observable trend of increase in participation in voluntary organizations for post-communist countries.

However, it should also be taken into account that the concept of "civil society" includes more than just memberships in voluntary organizations and therefore assessing its strength by that alone may not be completely fair. Edwards for example, in his 2004 book "Civil Society", suggested that a working definition of civil society should include three dimensions: a) associational life, that is the participation in non-profit organizations and in some cases in the political system, b) the 'good society' which is the society that includes some core values shared by everyone and c) the public sphere or an arena for public deliberation which refers to the spaces and media where views about the features of a good society and related arguments about the policies to be pursued by a country are advocated and resisted (Edwards, 2004). A more holistic empirical approach including such aspects should provide more accurate results. This view is particularly endorsed by Ekiert and Foa who suggest that "by measuring organization and behavior of civil society actors along a range of different dimensions and using a range of different sources rather than by a single concept or instrument - the picture of post-communist civil society becomes more complex and more interesting... there are striking sub-regional divisions on variety of measures, including the quality of public space, density of organization and behavior of civil society actors..." so we are "...forced to abandon any simplistic generalizations regarding the

‘weakness of post-communist’ civil society or its ‘demobilization’ following democratic transition, as many individual indicators tell a contrary story” (Ekiert and Foa, 2011, pp 37).

A good source of data for this “holistic model” is the Civicus Civil Society Index which scores four different dimensions of civil society in each country: Structure, Environment, Values and Impact. Each of those dimensions is quantified by a number of indicators included in a number of sub-dimensions (for the Structure dimension for example there are twenty-one indicators summarized in six subdimensions measuring breadth of citizen participation, depth of citizen participation, diversity within civil society, level of organization, inter-relations, and resources). The Structure dimension investigates the makeup, size and composition of civil society and thus encompasses especially civil society actors. The Environment dimensions assesses the external environment in which civil society exists and functions (like the political situation, basic freedoms guaranteed by law, conductivity of legal environment to CSOs etc). The Values dimension describes principles the and values practiced in a civil society (some of its indicators include democracy, transparency, tolerance, nonviolence, gender equity). Finally, the Impact dimension investigates the impact of activities pursued by civil society actors (like the effectiveness in influencing public policy, in holding the state accountable and how much are civil society actors responding to social interests). Each indicator receives a score of one to three and they are used to produce the final score for each sub-dimension and finally each dimension. Bailer, Bodenstein and Heinrich (2009) have used the sum of the Structure and Values dimensions to assess the strength of civil society in 39 countries (Table 3). It is immediately noticeable that some post-communist countries like the Czech Republic, Croatia and Macedonia score quite high and even Ukraine which as we established before exhibits low numbers of organizational membership scores more than average. As the authors themselves point out: “The rather strong performance of certain post-Communist countries, which has not been found in existing research, is likely to be a consequence of a multidimensional measure of civil society (which goes beyond levels of civic engagement), as well as recent trends towards a more vibrant civil society, partially as a consequence of accession to the European Union” (Bailer, Bodenstein, Heinrich, 2009).

Additionally, it is important to note that European post-communist civil society usually appears “weak” because it is consistently compared to the rest of Western European

civil societies coming from long consolidated democratic regimes. Compared to other regions of the world such as the Middle East, Sub-Saharan African or Latin America, the European post-communist civil society performs similarly or better with regard to voluntary organizations participation (Bailer, Bodenstein, Heinrich, 2009).

In conclusion, the notion of a flat, “weak post-communist civil society” is problematic to begin with because not all countries had the exact same experience with communism or very similar socio-political structures. This results in significant variation in civil society strength within the post-communist bloc with some countries “having it easier than others” (Kubicek, 2015). My analysis paints an only slightly better yet still optimistic picture regarding organizational participation numbers in post-communist countries compared to Howard’s (though not directly comparable to it), while the other two groups of countries (older democracies and post-authoritarian regimes) are in stagnation. But as already argued they should not be taken as complete pictures of civil society strength as a more multi-dimensional approach is desirable (one which goes beyond levels of civic engagement), which when taken, shows that some post-communist civil societies are not particularly weak.

## EU conditionality in the Balkans: rigorous or relaxed conditionality?

The Balkan region was traditionally painted as one plagued with instability, ethnic conflicts, unmasterable ancient hatreds and socioeconomic “backwardness”. So much so, that it used to consistently fall victim to faulty generalizations, stereotypes and misconceptions in both academic and journalistic writing particularly in the USA for most of the 20<sup>th</sup> century. These stereotypes were only recently challenged and debunked by some authors, most notably Maria Todorova with her concept of “Balkanism”.

And yet, at the Thessaloniki summit in 2003, the European Council declared that “the future of the Balkans is within the European Union”. This political commitment taken by EU heads of state and government was a clear promise. It provided for a strong incentive for the societies of the Balkans by the EU and seemed to entail the promise that the future of the region will be stable, prosperous, and within the EU. More than a

decade later, the promise is still largely unfulfilled since only one of the seven countries of the Western Balkans, Croatia, succeeded in joining (Centre for Southeast European Studies, 2014). The Eastern Balkans fared better, with both Romania and Bulgaria acceding in 2007 but not without some significant backlash as is about to be discussed. Both Western (the former Yugoslav states) and Eastern Balkans (Bulgaria and Romania) countries were first exposed to EU conditionality in the early to mid-90s after the dissolution of the USSR and Yugoslavia. The EU's approach to conditionality however varied significantly between the Eastern and Western parts of the region.

Since the early 90s, the Eastern Balkan states, Bulgaria and Romania were considered to be the laggards of the eastern enlargement family with “less promising and with much less political and economic capacity for reform” (compared to Central European and Baltic candidate countries which were included in the 2004 round of enlargement) (Anastasakis and Bechev 2003, pp 6). Both countries signed the European Agreements in 1993, opened accession talks in 1999 which were concluded in 2004 and joined the EU in January 2007. The accession requirements were defined by the Copenhagen criteria which refer to political (democracy, rule of law, human rights, minority rights), economic and legislative alignment. Although accession was postponed from 2004 to 2007, the EU provided detailed roadmaps and increased levels of funding (Anastasakis and Bechev, 2003).

Many researchers at the time supported that the decision to complete the accession of Bulgaria and Romania was a geopolitical one, arguing that the countries were not ready to join the union. Obstacles included the slow pace of reforms, widespread corruption, weak administrative capacity and the absence of properly functioning market economies (especially for Romania). But geopolitical concerns regarding regional instability and fears of spill-overs of instability from the Western Balkans resulted in the EU's desire to accelerate their accession (Moise, 2015, pp 138).

It is widely accepted however that the Western Balkans were subject to much more stringent conditionality particularly after the conclusion of the 5<sup>th</sup> enlargement cycle in 2007. It was by then that debates about the EU's “absorption capacity” and “enlargement fatigue” but also others calling for “privileged partnerships” with the Balkan countries instead of full membership began to heat up. The EU's approach towards the Western Balkans changed several times in the last twenty years.

In 1997 the so called “Regional approach” was put forth to advocated the fulfilment of some basic political criteria and combined them with the introduction of trade concessions, financial assistance, and economic cooperation. Yet the Regional Approach had limited success due to the lack of precisely defined objectives and clear rewards which would encourage the Western Balkans states to produce significant transformations. A Stabilisation and Association Process (SAP) was initiated after the 1999 Kosovo war which placed emphasis on peace, justice for war crimes, reconciliation, anti-discrimination, and good neighbourly relations. At that time, EU conditionality offered financial and technical assistance for the modernization of the local administrative institutions and general state building. In return, it required compliance with the peace agreements of Dayton in Bosnia, Ohrid for F.Y.R.O.M and the UN 1244 resolution for Kosovo, full co-operation with the ICTY (International Criminal Tribunal for Yugoslavia) for the war crimes committed during the Yugoslav wars and the return of refugees to their pre-displacement properties. Finally, after the reconstruction stage and up until now the EU is focusing on the rule of law, justice and home affairs, institution-building, civil society development and education, the adoption of the *acquis communautaire* and socio-economic change (Anastasakis, 2008, pp 368).

As Anastasakis notes, in practice, EU conditionality towards the Balkans “oscillates between the adoption of a stringent political conditionality based on strongly held, non-negotiable principles, and the practice of a more adaptable conditionality informed by a pragmatic assessment of the local environment and security considerations”. Proponents of rigorous conditionality warn against the dangers of jeopardizing the achievements of integration by including inadequately prepared countries, often using Bulgaria and Romania as examples of poorly prepared states which caused disturbances in the EU. On the other hand, those arguing for more relaxed conditionality are usually driven by security and geopolitical concerns (Anastasakis, 2008, pp 373). An additional argument for more flexible conditionality is founded in fears that the Balkans might follow a “Turkish scenario”, in other words to be alienated from the EU due to the latter becoming increasingly demanding, complex and ultimately an unreachable goal in which case integration might be halted in all but name (Centre for Southeast European Studies, 2014).

## Research hypotheses, methodology, data and the choice of cases

The way this thesis is stated two main interacting variables are put forth: EU conditionality (independent variable) and civil society strength (dependent variable). Therefore, the main objective of this paper is to examine how does EU conditionality and the processes of Europeanization affect civil society in the two regions concerned (Eastern Balkans and Western Balkans). To do so, one country from each region was picked and examined from various aspects relating to Europeanization and their respective civil societies. The countries chosen were Serbia for the Western Balkans region and Romania for the Eastern Balkans region.

There are some fairly obvious limitations in this approach which cannot be easily overcome. Probably the most significant one is the confusion around the concept of civil society itself. As already extensively discussed, there is no commonly accepted definition for the concept of civil society and more often than not, it is defined vaguely. What should or should not be included in a definition of civil society is usually going to be a topic of contestation. This conceptual “fuzziness” necessitates the formation and use of particular operating definitions each time.

Another major challenge lies in the empirical implementation of the two variables (civil society and EU conditionality). The vastly multi-dimensional nature of civil society makes it difficult for it to be opened for empirical scrutiny. Attempting to quantify the strength of civil society in a small number of numerically measurable variables (like measuring it only through citizen participation in civil society organizations as Howard did) will almost certainly end up providing an incomplete picture. On the other hand, trying to adopt an all-inclusive approach that will satisfy every definition of civil society is impossible in a limited-length paper like this. Therefore, concessions have to be made as to how to operationalize civil society and make it comparable at least to a certain extent between the two case studies.

Much of the above is true for the “EU conditionality - Europeanization” variable as well. While not as controversial at least regarding its outcomes as a process, it is also a vastly multi-dimensional notion which is rather difficult to quantify comprehensively.

First of all, one could correctly argue that EU conditionality and Europeanization are not exactly one and the same. One refers to a fundamental EU foreign policy tool which is predominantly used for enlargement, and the other refers to the more broad and abstract notion of “becoming more European like”. Compliance with EU conditionality inevitably entails some level of Europeanization every time and although it is arguably the main driving force of Europeanization, it is not the only one. Consequently, another issue arises, that of having to distinguish which of the observed changes over time are a result of EU conditionality and which can be attributed to pre-existing structures in the states concerned. This may not always be possible however.

The concept of social capital is a very crucial element in this discussion because as previously analyzed, it correlates directly with the creation of not only a vibrant civil society but also many other normatively desirable qualitative features of liberal democracy, such as functioning democratic institutions, increased levels of civicness and citizens' participation in public life, and, most importantly, with increased levels of performance in several public policy areas, such as education, health, development, and public policy at large (Paraskevopoulos, 2010, pp. 475). As Paraskevopoulos (2010) notes “the bulk of the literature on social capital over the last fifteen years has been dominated by a fundamental and crucial theoretical dichotomy” (Paraskevopoulos, 2010, pp. 490).

The first side of this dichotomy is reflected in the cultural/historical tradition. This tradition views social capital as embedded in and generated by culturally and historically determined networks of civic engagement (in other words Civil Society Organizations) that affect public policy outcomes. Interpersonal trust is the most crucial component of social capital given the volatility and uncertainty of modern economic and institutional settings. Through the norms of reciprocity and mutual confidence that no individual will exploit the other, social capital is sustained by socialization and sanctions. The transformation of “personal trust” to “social trust” is materialized within networks of civic engagement. According to Putnam, social trust in modern complex settings can arise from two related forms of social capital: norms of reciprocity and solidarity on the one end and networks of civic engagement on the other (Paraskevopoulos, 2010, pp. 476-477). Following this logic, social capital (and hence the foundations for a strong civil society) can be built simply through interactions within the framework of CSOs which will in time increase familiarity, trust and

confidence among individuals. Therefore, the accumulation of social capital is a largely “bottom-up” processes according to this theory.

On the other hand, the institutional literature's critique of the main assumptions of the cultural/historical tradition has been constantly regaining ground in the last fifteen years or so. This approach views social and political concepts, such as institutions and equality, as sources of social capital. Perceptions of fairness and impartiality of public institutions are a crucial variable affecting the creation of generalized trust and the building of social capital. Hence what matters for the increase of generalized trust is the effectiveness of formal state institutions and public policy-making at large. According to Herreros (2004) formal social and political institutions, as the primary means of solving problems of collective action, play a two-fold role in the creation of social capital: first, a direct one, as guarantors of agreements which means sanctioning agents; and second, an indirect one, as facilitators of increased participation in associations and hence of building civil society and social capital through the provision of relevant incentives. The existence of inequality in societies is also a very important element negatively affecting the level of social capital as it has been empirically associated with reduced levels of generalized trust. The same negative relationship with social capital can be supported for high corruption, particularly high-level corruption which is an indicator of malfunctioning institutions. In other words, institutional performance is a key determinant of the creation of generalized trust and the building of social capital (Paraskevopoulos, 2010, pp. 484-486).

The approach that will be taken in this paper draws mainly from the institutional theory of trust. Essentially, the impact of EU conditionality on civil society development in the two countries will be approximated through the effect of conditionality on what is broadly referred to in political sciences as “Quality of Government indicators”. These indicators include a state’s performance in areas such as corruption control, administrative efficiency, rule of law etc. A positive impact on these areas is expected to be associated with a manifested positive impact on civil society. Thus, following the institutional trust logic, the processes of EU integration which are typically linked to such improvements are expected to bolster civil society in the countries under study.

A big challenge however is how to quantify the variable of civil society itself; how to adequately measure the strength of a concept that is so multi-dimensional with just a

few numbers. The short answer is that it is pretty much impossible to do so with one or two indicators but the time and length restrictions of this project force the examination of only the most important, at least according to the author, aspects of civil society.

In order to operationalize the two main variables and assess the impact of EU conditionality on civil society a number of sub-variables must be introduced. The sub-variables to be used are as follows:

- a) Quality of Government: Refers to, trustworthy, reliable, impartial, uncorrupted and competent government institutions. It will be measured through the World Bank's databank, specifically through the Worldwide Governance Indicators database. Six indicators will be examined from this database namely the estimates for control of corruption, government effectiveness, political stability and absence of violence/terrorism, regulatory quality, rule of law and finally voice and accountability. Available data spans from 1996 to 2016.
- b) Sustainability of CSOs: Captures the viability of the legal, political, economic and social context in which CSOs operate. This will be measured through the reports of the “CSO Sustainability Index for Central and Eastern Europe and Eurasia” developed by the United States Agency for International Development (USAID). The reports provide data for seven key components or “dimensions” of the sustainability of the civil society sector: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image. Available data spans from 1997 to 2016.
- c) Citizen participation in CSOs and levels of trust: The levels of membership in Civil Society Organizations and levels of interpersonal trust among citizens. These will be measured through data from two social panel surveys, the World Values Survey (WVS), European Values Survey (EVS). Unfortunately, data is fragmented and not consistently available on a yearly basis like the previous two sub-variables. For Serbia in particular, recent data is not available at all which hinders the empirical analysis to some extent.

Finally, it should be stressed once again that the data to be presented later in this paper aims to provide insight on the changes in these variables over time without attempting to analyze every single factor that may have contributed to them. EU conditionality is assumed to be the strongest, or at least one of the strongest

driving forces and the effects of pre-existing structures or other forces, although acknowledged, will not be extensively sought out.

## **CHAPTER 3:**

### **Western Balkans - EU conditionality and civil society development in Serbia**

#### **Introduction**

This chapter analyzes the first of the two case studies in this paper, Serbia, representing the Western Balkans region. The chapter is divided in four sections: Firstly, the country's accession path to the EU is explored in the years following its transition to democracy up until now. Secondly, the historical background of the country's civil society prior to and until the end of communist years is investigated. Thirdly, the impact of EU conditionality on various dimensions of Serbian civil society is assessed using panel survey data. Finally, a section containing combined conclusions from the previous three is presented.

#### **The Serbian accession path to the EU**

Ever since the end of the Yugoslav crisis, the EU believed that the only way to prevent new tensions in the Western Balkan region was to integrate its constituent countries into the Union. Serbia was and still is the “priority target” whose accession will be the most essential in the quest for regional stability and prosperity. The road to accession however was fraught with domestic challenges and exposure to very stringent conditionality, to levels that virtually no other candidate country was faced with before. This primarily relates to the aftereffects of the Yugoslav wars which introduced additional conditions on Serbia relating to politically sensitive issues such as cooperation with the ICTY and the statehood of Kosovo, aside from the regular implementation of the Copenhagen criteria.

Regarding when exactly did EU conditionality began to be in effect for Serbia, opinions may vary as it can be argued that it can be dated back to the S.F.R Yugoslavia days or at the other extreme, when was Serbia fully separated from Montenegro (2006) and Kosovo (2008) and became a clearly independent state. For the purposes of this paper, the starting point for EU conditionality for Serbia will be set in 1997 with the implementation of the EU post-conflict “Regional approach”. Although it may not be conditionality in its “purest” form and the program’s actual name was “Royaumont Process for Stability and Good Neighborliness” (“neighborliness” as opposed to “membership”), the Regional approach is the first organized policy instrument of the EU specifically targeted for the Western Balkan countries which aimed at affecting the relevant countries’ trajectories towards Europe through the fulfilment of conditions in exchange for rewards.

The objectives of the Regional Approach were to support the implementation of Dayton/Paris and Erdut peace agreements and to create an area of stability and economic prosperity, initially through economic and trade cooperation but also through the political conditionality (Panagiotou, 2012, pp 99, Pippa, 2004, pp 222, 223). Serbia, much like the rest of the Western Balkan countries, had to re-establish economic cooperation with one another through cross-border projects, reviving in this way the economic activity of the area, while the economic reforms and the increased good neighborly relations would also serve as an incentive for them to gain improved access to the Internal Market of EU. The provision of economic and trade related benefits depended on willingness of the concerned countries to establish and maintain peace, respect of human rights, and the rights of minorities, democracy and the rule of law (Panagiotou, 2012, p. 99, Pippa, 2004, p. 222).

In practice, the Regional Approach reflected a combination of positive and negative conditionality posed from the EU. In 1996 the Council adopted a Community regulation on assistance to Western Balkan countries including Serbia and Montenegro of course, the so called ‘OBNOVA’ regulation (Pippa, 2004, p. 223). This regulation, apart from explicitly underlying the specific conditions for the countries of Former Yugoslavia, that is the respect for democratic principles, the rule of law, human rights and fundamental freedoms, regarded their fulfillment as a precondition for the granting of Community aid (Pippa, 2004, p. 223). The fulfillment of conditionality, which required a general yet unspecified respect for democracy and human rights, from the

above-mentioned countries, would grant them autonomous trade preferences. Moreover, to additionally benefit from financial and technical support under the Community's assistance programs, initially PHARE and OBNOVA and later CARDS, the countries reform efforts would have to increase proving their credible commitment to democratic reforms and compliance with the generally recognized standards of human and minorities' rights and with their obligations under the Peace Agreements, especially with those regarding their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) (Pippin, 2004, pp. 224, 225). Particularly for Serbia, the "ICTY conditionality" was most intense and politically sensitive given that it was asked to apprehend and extradite the largest number of people among its nationals indicted for war crimes during the break-up of Yugoslavia. The gradually increased commitment of the concerned countries to comply with these conditions would reward them with intensified bilateral cooperation including the establishment of contractual relations with the EU, while in case of a serious and repeated non-compliance they would be 'punished' with the withdrawal of trade preferences, the freeze of Community assistance and, where applicable, the suspension of an agreement (Bislimi, 2010, p. 41,

However, the Regional Approach failed to produce significantly positive results either in political stabilization or in economic development in Serbia. This was mainly due to the EU instruments supporting the strategy being insufficient, the goals being vague, far-reaching political and economic concepts such as democracy and market economy and most importantly, due to the lack of the prospect of membership. By 1999, it became apparent that the EU's policy of simply promoting regional cooperation and economic reconstruction was an inadequate strategy, while the concept of integrating the Western Balkans in the EU gained ground. Moreover, it was believed to be beneficial for the EU as a whole, since if the Western Balkans were successfully absorbed in the EU, the possibility of revival of conflict and instability in the area would end (Panagiotou, 2012, pp. 100-101).

Unfortunately, by 1999 Serbia was hit with another conflict, the Kosovo war, which introduced yet another politically sensitive condition for its membership prospects, that is, the recognition of independence and normalization of relationships with Pristina. This made the need to promote a new, more comprehensive approach to the region even more urgent.

In June 1999, the Stability Pact for the South-Eastern Europe was launched. Although not an official EU instrument at the time, the EU played a leading role in its implementation. A new and crucial element in the Stability Pact was the prospect of membership in the EU and NATO, as an effective way to stabilize in the long term the region and anchor it firmly into the values and institutional structures of the EU. The above concepts became the foundation of what was to become EU's most coherent and constructive policy, namely the Stabilization and Association Process (SAP) which was officially launched at the Zagreb Summit in 2000 (Gordon, 2009, pp. 327, Panagiotou, 2012, pp 102). The Stabilization and Association Agreements (SAAs) are by far the most important and prestigious instrument of the SAP. Their primary aim is the establishment of formal association with the Union over a transitional period, during which the concerned country gradually adopts EU laws to the core standards and rules of the Single Market (Panagiotou, 2012, pp. 103-105, Pippin, 2004, p. 233).

Serbia finally signed an SAA on 29 April 2008 and as of January 2009, the Serbian government had started to implement the obligations listed under the agreement. The SAA indicated that the country should make efforts towards the normalization of relations with Kosovo and also towards cooperation with the ICTY for the extradition of war criminals Ratko Mladic and Goran Hadzic. Negotiation talks with regards for accession to the European Union were previously halted in 2008 due to Serbia's failure to cooperate with the ICTY. However, since Ratko Mladic and Goran Hadzic have since been extradited to the ICTY in 2011, accession negotiation talks were resumed by the European Commission (Toglhofer, 2012). Serbia officially applied for membership to the European Union on the 22<sup>nd</sup> of December, 2009 and received full candidate status on the 1<sup>st</sup> of March 2012 (Government of the Republic of Serbia European Integration Office, 2016). In December 2013, the Council of the European Union approved the opening of accession negotiations in January 2014 which are as of now still ongoing. So far, ten out of thirty-four negotiation chapters have been opened and only two have been closed.

## Overview of the historical background of civil society in Serbia

According to Milivojevic (2006) on behalf of CIVICUS Serbia, the development of civil society in Serbia can be divided into four distinct phases namely the late 19<sup>th</sup> to early 20<sup>th</sup> century, the period after World War II, the late 1980s to 1990s period and the period after 2000.

Before WWII, civil society in Serbia manifested itself in traditional forms of solidarity in rural communities where the Eastern Orthodox Church and the royal family played a significant role in these organizations since many were founded under their patronage. In the 1860s, a number of new NGOs were established. However, the majority of these organizations were short-lived and some were banned by the state. One example was the Society of Serbian Youth (1847 -1851) that stated in its statute that it would “strive for more freedom and democracy in the country” (Milivojevic, 2006, pp 27-28).

In the period after World War II in 1945, the communist regime virtually erased these basic civil society formations. The establishment of association was extremely restricted while all interest groups and associations of citizens focusing on recreation, sports and culture became part of the state-controlled system. There were no obstacles to registration of organizations that did not deal with political issues like sports clubs but citizen associations and so-called ‘social organizations’ could only be established provided they operated within the dominant ideology or sought to reinforce it. Despite sharing a lot of characteristics of modern NGOs (such as establishment by citizens to pursue interests/address problems, being not for profit etc.), organizations established in that period lacked the important element of (at least relative) autonomy from the state (Milivojevic, 2006, pp 28).

However, civil society regained visibility in the late 1980s and early 1990s where it was linked to the creation of a multi-party political system, with a number of civil initiatives, such as the Association for Yugoslavian Democratic Initiative which sought a democratic solution to the deep crisis Yugoslavia was facing at the time. In spite of a number of democratic initiatives, the events that followed led society in the opposite direction. This period was characterized by the break-up of the Socialist Federative Republic of Yugoslavia, armed conflict and a consequent influx of internally displaced

persons and refugees. Increasing numbers of citizen groups and associations formed to oppose hatred, to limit and then put an end to war and violence, to assist its victims and to protect fundamental human rights. Finally, the series of demonstrations and campaigns against the wars and the regime, organized throughout the 1990s mostly by national Civil Society Organisations and Non-Governmental Organisations reached its peak on October 2000, when CSOs played an important role in ousting the authoritarian regime and installing a democratic political system (Milivojevic, 2006, pp 29).

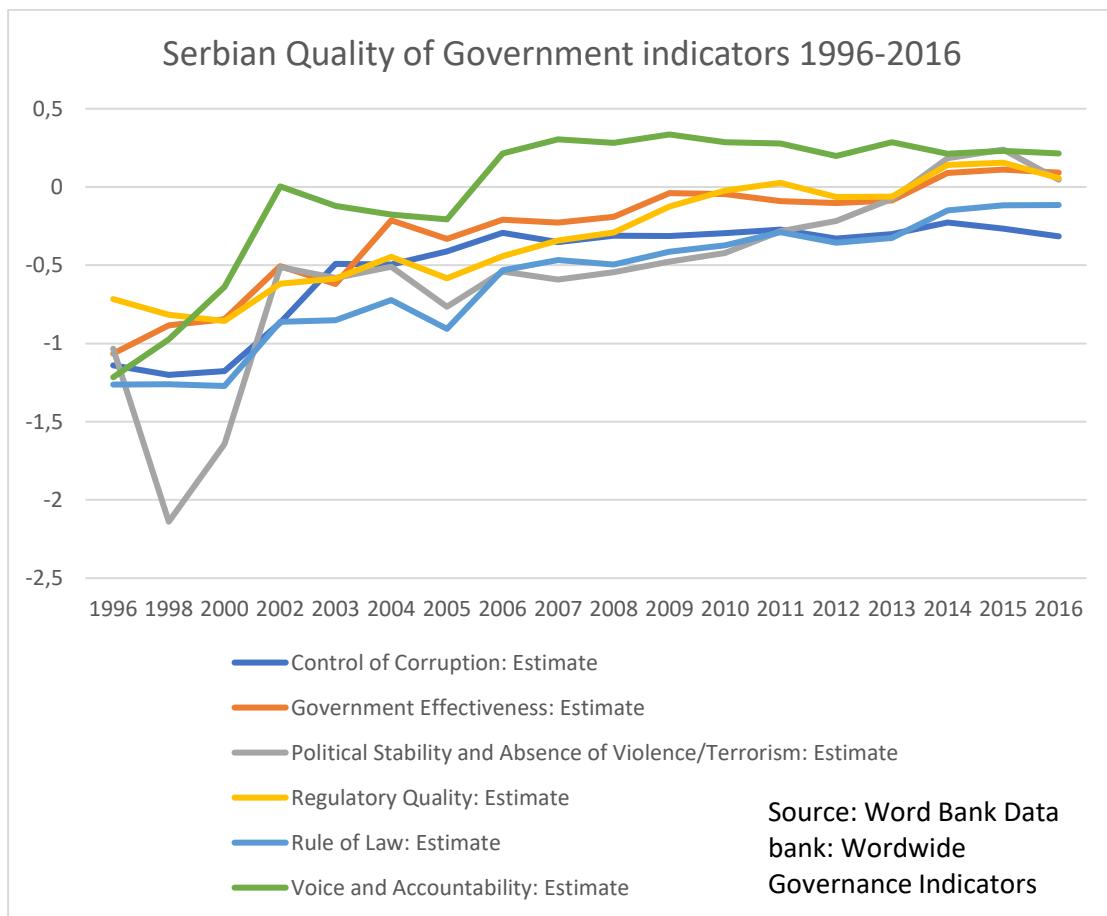
While civil society in Serbia was known to be suppressed by the regime during the 1990s, since the year 2000, civil society has started to gain legitimacy, a recognized role and acknowledgement for its impact on governance and on key political and social issues. But the impact of the communist experience was profound and lasting. During the 1990s, the relationship between CSOs and the state was dominated by conflict, with the exception of the “governmental” non-governmental organizations (those that were reinforcing the current regime), for example, certain associations of trade unions, particular associations of journalists, and some faith and ethnic based organizations that have a submissive and supportive relationship with the regime. The authoritarian government used the media to accuse the NGO sector of betraying Serbia’s national interests and, on the other, for the international audience, it pointed to their existence as evidence that the regime was democratically oriented. Accusations by the government that such organizations were foreign hirelings, spies and national enemies, had a powerful impact on the public attitude towards CSOs. This conflict between state and civil society ended only after the fall of Milosevic when CSOs had to shift their attitudes from an anti-regime to a pro-regime stance. But it was not until Zoran Đindjić came to power in 2002 when the first real attempts of cooperation and dialogue between state and civil society began. These attempts however largely failed to establish civil society as a constant, legitimate partner of the state for a variety of reasons such as the lack of a clearly defined legislative network in which CSOs could operate, or clearly defined financial and institutional support (Milivojevic, 2006, pp 30-31).

# Assessing the impact of EU conditionality on Serbian civil society

The three sub-variables explained in the research/methodology chapter will now be examined for the case of Serbia, accompanied by commentary and additional information.

## a) Quality of Government

The first one to be examined is the Quality of Government variable using data from the World Bank's Worldwide Governance Indicators database. All six estimates receive a score of -2.5 (worst performance) to 2.5 (best performance).



The "Control of Corruption" indicator captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests. It is by far

the worst performing indicator for Serbia with the least progress made since 1996. The Balkan region is generally notorious for its high levels of corruption and Serbia is a laggard in this regard even by regional standards.

The “Government effectiveness” estimate captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies. This is one of the better performing indicators with considerable progress made since 1996. Notable improvements are observed since the fall of the Milosevic regime in 2000. The last three years however, progress appears to have stagnated.

The “Political stability and absence of violence/Terrorism” estimate measures perceptions of the likelihood of political instability and/or politically-motivated violence, including terrorism. After plummeting in 1999 quite surely due to the Kosovo crisis, this indicator sees relatively stable improvement until 2015 and a small deterioration for the first time since 2005, in 2016.

“Regulatory Quality” captures perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development. Once again, after the democratic takeover of the country, a relatively stable yet unimpressive improvement is observed which appears to have stalled in the last three years.

“Rule of Law” captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. This is the second worst performing indicator after corruption control, which despite showing improvements in the immediate years after 2000, has progressed very slowly ever since.

Finally, the “Voice and Accountability” estimate captures perceptions of the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. This is the best performing indicator which almost skyrocketed with the re-emergence of civil society in the early 2000s but has been in stagnation for over ten years now.

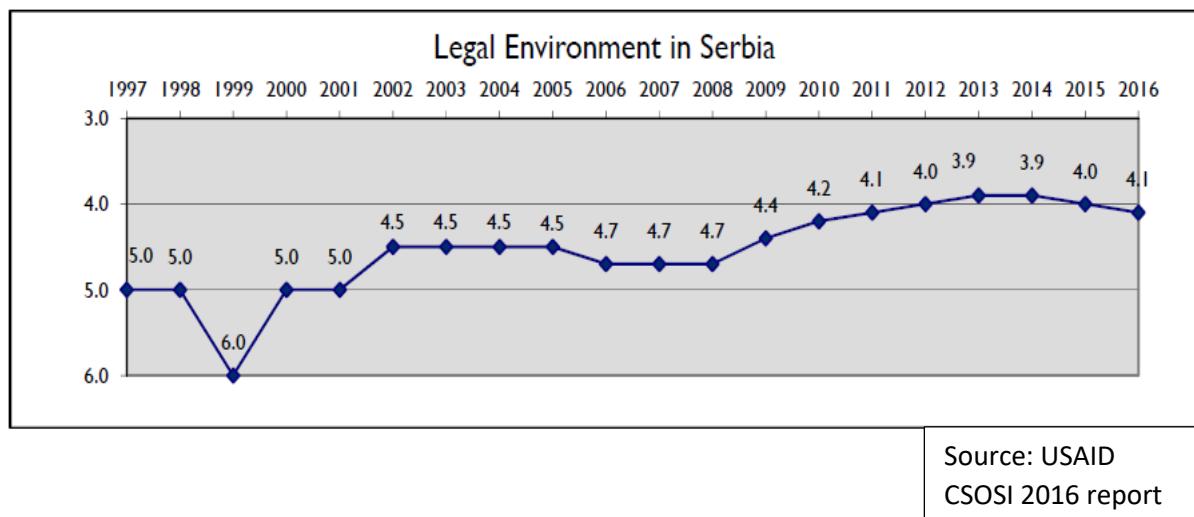
Overall, the positive trends of the first years of transition have come to end, replaced by very slow and uncertain progress until 2013 and a clear pattern of stagnation in the last 3 years. This can only be interpreted as the failure of EU conditionality to stimulate meaningful domestic reforms and might even show an alarming trend of alienation from the EU on the part of the Serbian administration.

## b) Sustainability of CSOs

The second sub-variable to be examined, the Sustainability of CSOs, will be measured through the indexes of the “2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia” developed by the United States Agency for International Development (USAID). Scoring for the indexes ranges from 1 (most developed) to 7 (most challenged).

### Legal environment

#### **LEGAL ENVIRONMENT: 4.1**



The legal environment in which CSOs operate showed a marked improvement in 2002 and incremental per year improvements since 2009 which was the year the Serbian Stabilization and Association Agreement was signed. This positive trend however was halted in 2014 and appears to be reverting in the last two years.

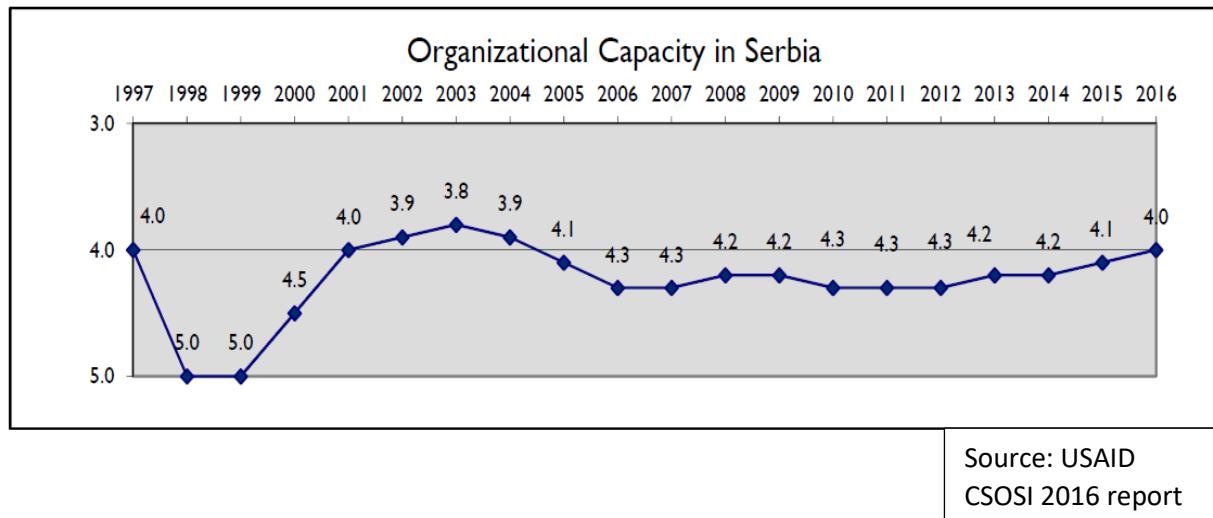
The USAID report attributes this primarily due to increased harassment by government officials and media. For example, after the prime minister himself accused international donors and the EU of sponsoring attacks on the government through CSOs on several occasions in 2015 and 2016, media outlets close to the government started to produce

data on recipients of EU and other donor's grants, as well as the names and photos of project coordinators, under headlines such as "Rockefeller and Soros are financing chaos in Serbia." After each of the articles, CSO leaders received death and other threats on Facebook, email, and by phone. Law enforcement has done little to address the problem. In one notable case, the court decided that an online message sent to Juzne Vesti stating that "journalists of Juzne Vesti should be burned" was not a threat but an expression of opinion (USAID, 2016, pp 211-212).

Other problems in the legal environment mentioned in the report include registration difficulties for certain types of CSOs (like foundations, endowments, and CSO networks), a Civil Code still under development and the "criteria of representativeness" for such associations to get funding that the state has announced to be soon established. CSOs are worried that the state might use these criteria to legally favor traditional membership organizations with which it has close ties (USAID, 2016, pp 211).

#### Organizational capacity

### ORGANIZATIONAL CAPACITY: 4.0



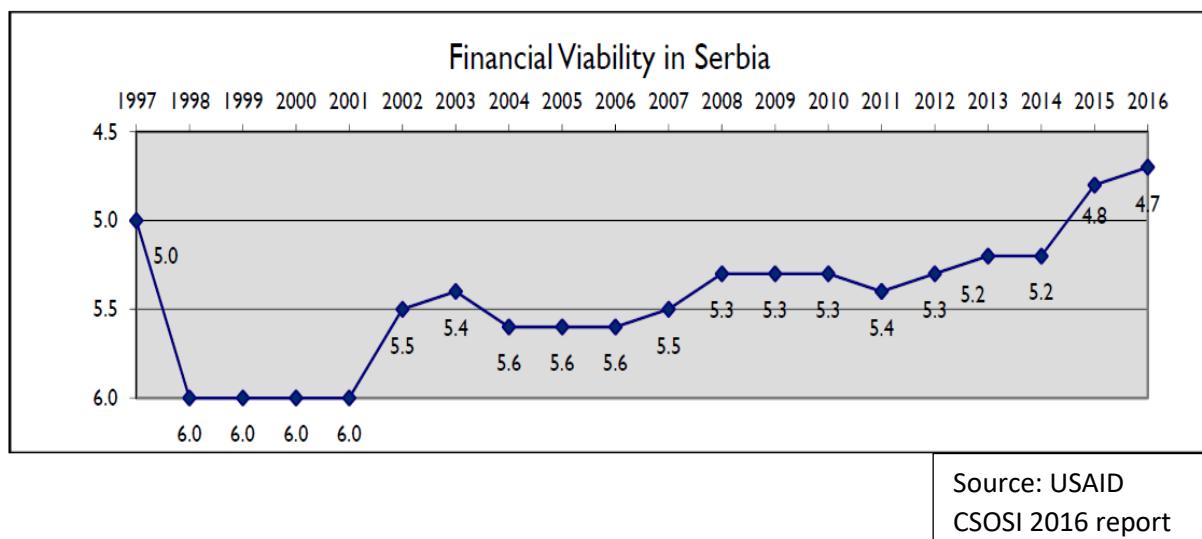
Organizational capacity improved drastically from 2000 until 2003 but has since deteriorated. Following a long period of stagnation, the last two years showed again marginal improvements.

The USAID report suggests that although CSOs increasingly demand assistance in strategic planning, they still primarily work in smaller communities, where CSO leaders are better recognized and more successful at building constituencies. CSO projects are

still predominantly donor driven and frequently outside of organizations' stated goals. Internal management structures are still underdeveloped in CSOs as only a limited number of organizations have developed their staff, management bodies, and boards of directors. In most organizations, leaders still make the majority of decisions. Most CSO staff members are employed on a project basis with a very limited number of CSOs that receive institutional support from donors having permanent staff. The overall skill of CSO employees has reportedly been increased significantly in recent years thanks to practices and procedures shared by more experienced organizations (USAID, 2016, pp 212-213).

#### Financial viability

### **FINANCIAL VIABILITY: 4.7**



The financial viability of CSOs improved after 2002 with the last two years showing a drastic improvement. The USAID report suggests this is due to CSOs being able to raise more funds from both individuals and companies during these two years, including through large fundraising campaigns.

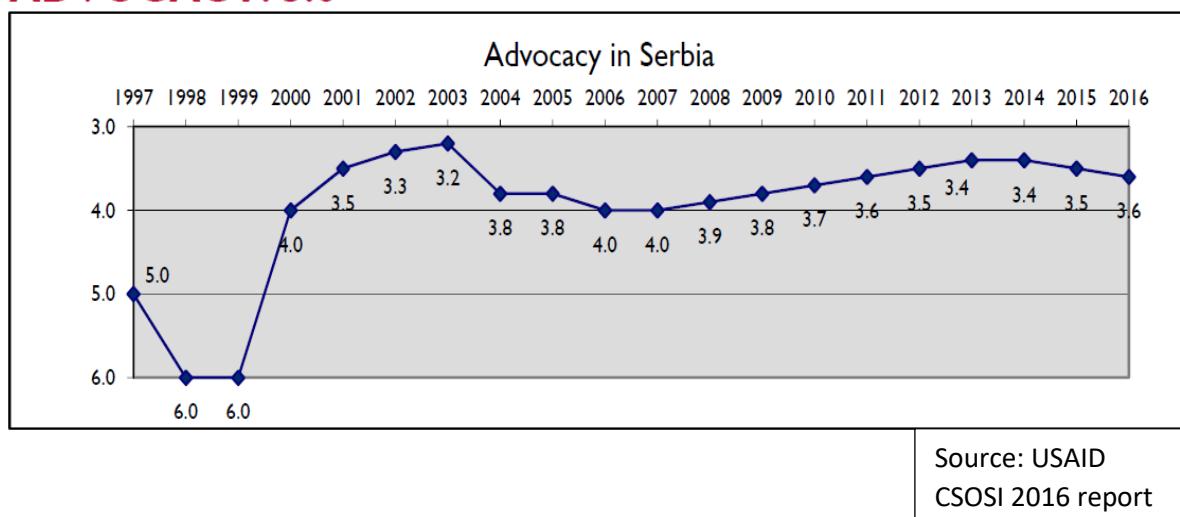
Local support from individuals and companies is on the rise albeit still not sufficient to sustain the sector. Only few international donors provide institutional support to CSOs. The state provides grants at the central and local levels to CSOs from budget line 481, dedicated to nongovernmental organizations. CSOs also receive funding from local and central authorities to provide social and other services. For example, in the City of

Kragujevac, the Local Action Plan for Roma allocates budget funds for numerous CSO projects (USAID, 2016, pp 213)

Only larger CSOs have financial management systems in place. Small and medium-sized CSOs have rudimentary financial systems, which are usually project-based and overseen only by project coordinators. Recent USAID initiatives that provide direct support to Serbian-based CSOs have encouraged grant applicants to develop human resources, financial, and procurement procedures. Bigger CSOs increasingly produce annual financial reports and annual organizational audits, which is also a requirement for receiving larger scale EU grants (USAID, 2016, pp 214).

### Advocacy

## ADVOCACY: 3.6



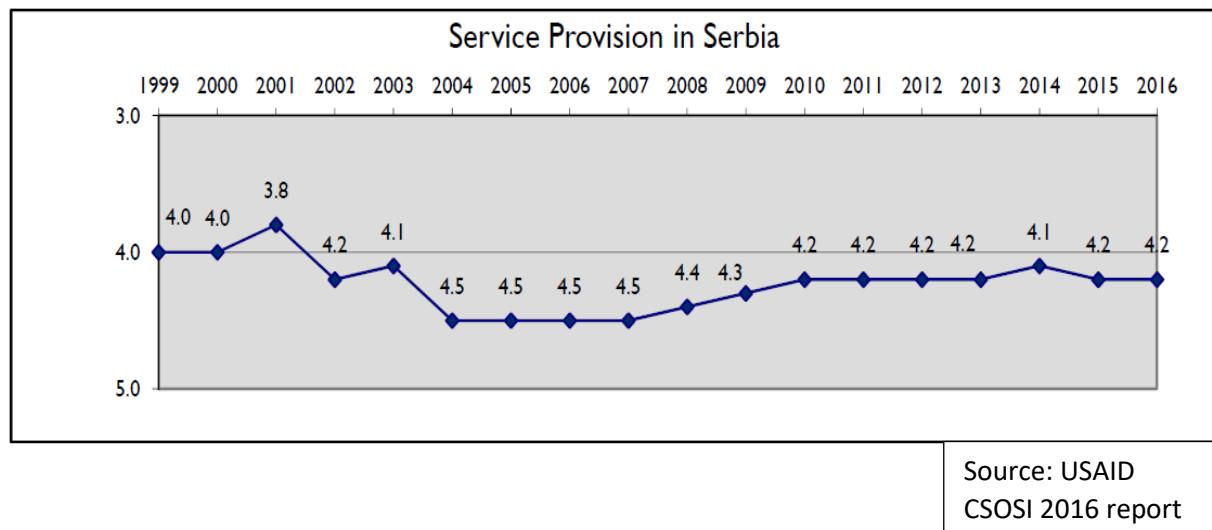
Advocacy in Serbia was practically non-existent before 2000. Since then it was gradually established yet still in a rather hostile environment as government officials usually viewed advocacy and human rights organizations in a negative light. Cooperation between the state and civil society relies on the attitudes of individual government officials, rather than on institutionalized relations.

In general, the degree of cooperation of CSOs with the state varies from matter to matter. Local and central authorities' cooperation on the issue of migrants was much better in 2016. CSOs worked with the Ministry of Labor, Employment, Veteran and Social Affairs and municipalities to provide aid to migrants. Many CSOs advocated for the Law on Asylum during the year and the Ministry of Interior adopted almost all of CSOs' recommendations. Additionally, advocacy by LGBT rights groups has been very

successful in 2016, organizing a safe and successful LGBT Pride parade, an event that in previous years was marred by violence and threats by right-wing groups. Other state institutions like the parliament seemed less inclined to cooperate in 2016 starting to demand more information from CSOs, including biographies of speakers and details of their presentations, before permitting them to present at the legislature. Also, the new government did not move forward the draft Law on Volunteering which is a key law for CSOs (USAID, 2016, pp 215-2016).

#### Service provision

### **SERVICE PROVISION: 4.2**



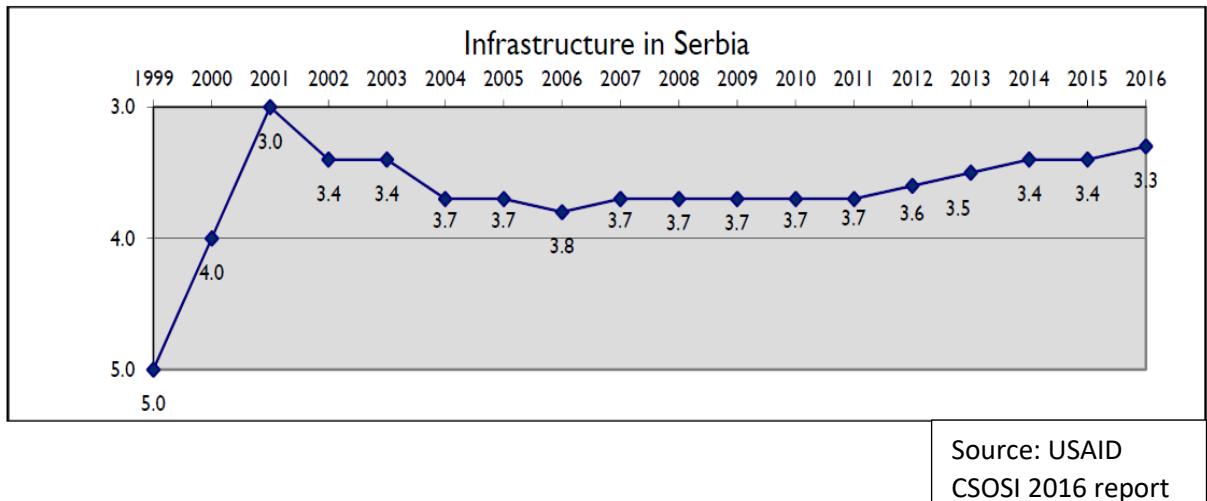
The service provision index is the only one that has worsened since the beginning of the previous decade. A major problem here is a very difficult licensing process which is required in order for CSOs to provide social services. Many CSOs cannot satisfy the requirements, which focus on physical specifications like facilities and equipment, rather than the competencies of human resources. Even when CSOs meet the licensing requirements, the state tends to favor working with state-affiliated social service providers over CSOs (USAID, 2016, pp 215-2016).

CSO service provision in Serbia is mainly focused on social services such as counselling, day care centers for children with disabilities, group therapy, and accommodations for families of children receiving hospital treatment. CSOs in Serbia are not allowed to directly provide health services. They do however provide training and consultancies to local and state institutions on project cycle management, how to apply for EU funds, and project proposal writing. Their services are mostly provided

free of charge to beneficiaries, with international donors or the state covering the costs on a project basis. The effectiveness of service provision heavily depends on availability of funding. For example, due to lack of donor funding, environmental services are on the decline despite increased demand from local communities (USAID, 2016, pp 215-2016).

#### Infrastructure

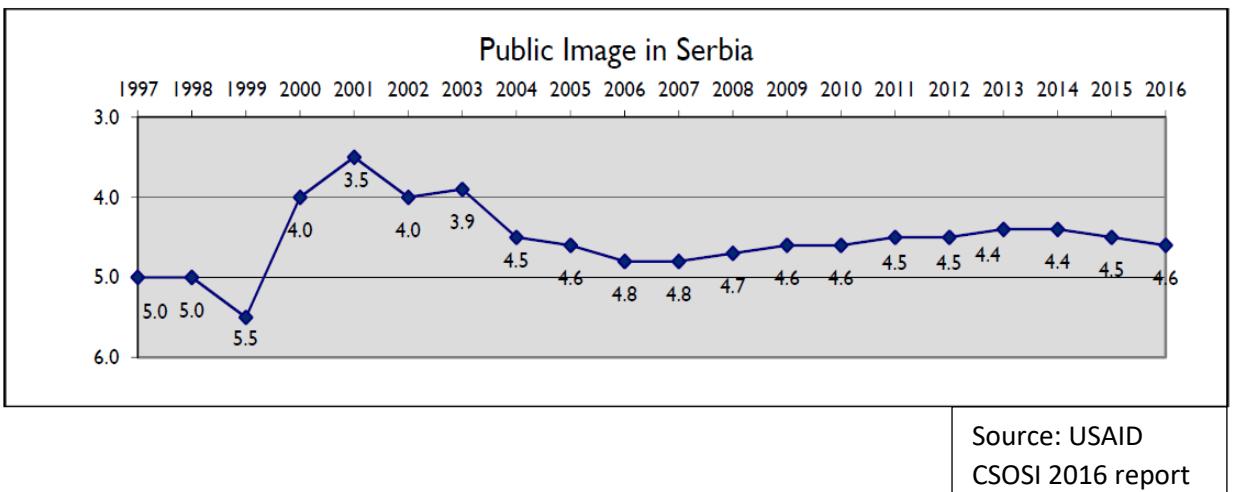
### **INFRASTRUCTURE: 3.3**



The infrastructure index saw a massive improvement in 2000 and 2001. This was the period when a well-developed network of local trainers and NGO resource centers was established, laying the foundations for many civic initiatives (USAID, NGO Sustainability Report 2001, 2002, pp 141). Since then not much progress was made.

#### Public Image

### **PUBLIC IMAGE: 4.6**



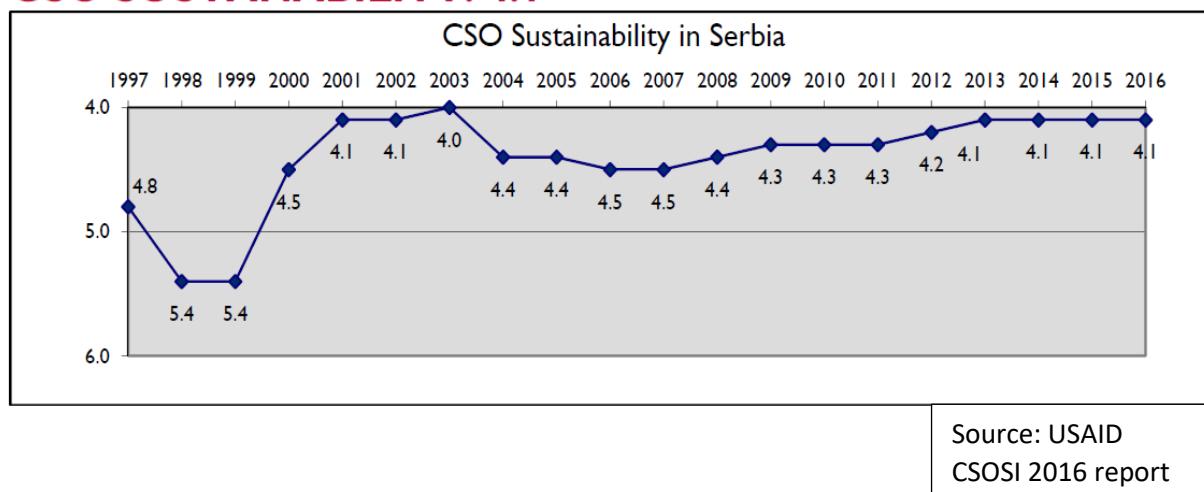
The public image of the civil society sector has always been a major issue for Serbia. Ever since its re-emergence, civil society was perceived as “the public enemy”. CSOs were often labeled by the government as foreign hirelings, spies and national enemies by the media. The initial excitement they enjoyed after the overthrow of the communist regime soon dissipated and their public image has been poor ever since. For the second consecutive year, this indicator has declined.

The privatization of numerous local and regional media outlets in the last two years resulted in the overall reduction of CSO media coverage. However, coverage of CSOs by major news outlets was still very negative, presenting advocacy and human rights organizations and associations of media and journalists as “mercenaries”. On a more positive note, media reporting on philanthropy is much more positive.

Research by the Center for Research, Transparency and Accountability (CRTA) shows that the public still associates NGOs with human rights organizations, primarily in a negative context. There is also widespread ignorance on the subject in general, as only 37 percent of respondents claimed to know what NGOs are.

#### Overall performance

### CSO SUSTANABILITY: 4.1



The sustainability of the civil society sector appears to be stuck in stagnation for the last three years. Overall CSO sustainability did not change in 2016: the legal environment, advocacy, and public image dimensions all deteriorated, while organizational capacity, financial viability, and infrastructure improved. Serbia is still struggling to deal with problematic relationship between governments and CSOs,

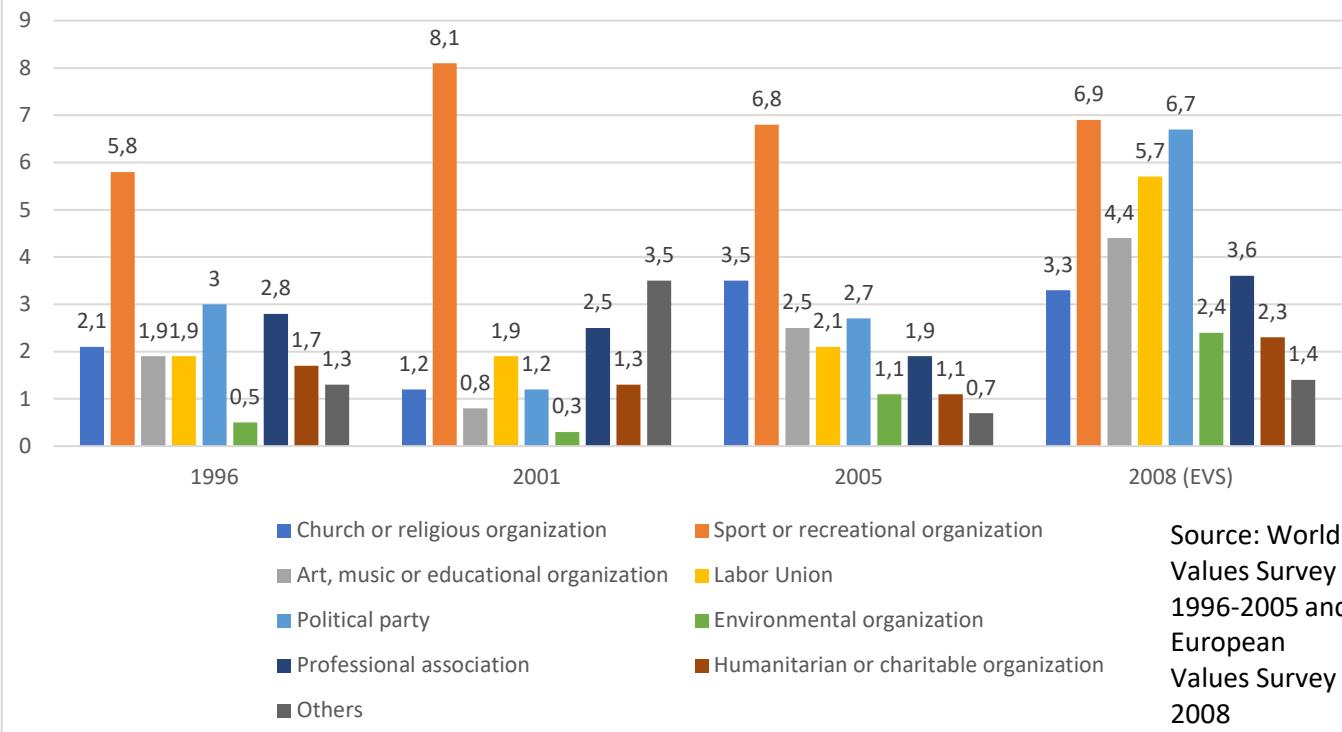
negative media coverage and public image, and lack of stable funding for their activities.

### c) Citizen participation in CSOs and levels of trust

The third sub-variable measures levels of civil society organizational memberships and levels of social trust using data from the World Values Survey and European Values Survey. Data is not consistently available as the surveys are not carried out on a scheduled yearly basis. Therefore, the latest data available will be presented in each case.

Unfortunately for Serbia the latest data available from WVS is more than ten years old, dating back to 2005. The latest EVS data is from 2008. The following tables display responses to the question “Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?” and membership levels in nine different types of CSOs (only those who state that they are active members are recorded – if inactive members are included, membership numbers are much higher):

## Percentages of membership in nine types of CSOs in Serbia



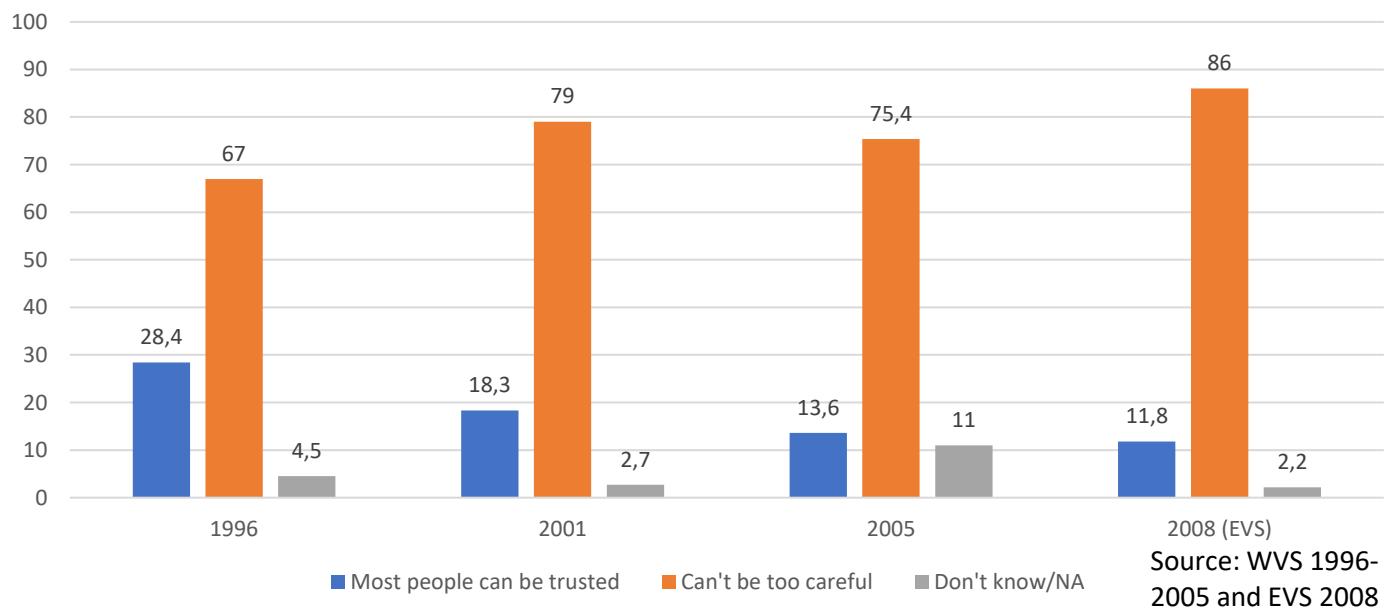
1996 Average participation of total respondents: 2,33%

2001 Average participation of total respondents: 2,31%

2005 Average participation of total respondents: 2,48%

2008 Average participation of total respondents: 4,07%

## Trust levels in Serbia: Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?



Membership in CSOs in Serbia was generally very low for the late 90s - mid 2000s period, on par with most other post-communist states. The 2008 results show a significant increase in citizen participation although it should be noted that data was sourced from a different survey (EVS) for that year in an attempt to present more recent data. Therefore, some of the disparity compared to previous WVS data could be due to slightly different methodology, different sample size etc. but the main questions regarding the types of CSOs and the available answers remain the same. Because of this it is relatively safe to assume that participation numbers did actually increase in 2008. Sadly, available data covers only the initial years of EU conditionality without being able to shed some light on citizen participation in civil society organizations after 2010. Consequently, it is not known if the trend of increased participation continued after 2008.

Levels of interpersonal trust show a clear trend: distrust between people is on the rise. The difference between 1996 and 2008 in the “Can’t be too careful” response is obvious. Also, the response “Most people can be trusted” is given less and less every year. This may seem counter-intuitive at first as one would expect that increasing membership in CSOs would result in increasing levels of trust as citizens cooperate more with each other, yet clearly this does not happen.

## Conclusions

The trajectory of the Serbian civil society since its re-emergence in the late 1980s and early 1990s is an interesting one. After being practically non-existent for more than forty-five years (since the end of WWII and the establishment of communism), it re-emerged as one of the leading elements in the overthrow of the authoritarian regime. Although not as widely popular an example as the civil movements in Poland or Czechoslovakia, Serbian civil society undoubtedly played a major role in the democratic transition and also in opposition to war and discrimination raging at that time. This was in fact the main agenda of Serbian CSOs during the entire 1990s. Following the fall of Milosevic in 2000 and the democratic re-orientation of the country, civil society had to switch from a “contra-state” to a “pro-state” attitude. The

problem was that CSOs had no experience in cooperating with the state, only in opposing it. A participant at an NGO Policy Group regional meeting in 2001 characteristically stated “We are so used to criticizing everybody that it will take some time for us to start doing anything positive” (Milivojevic, 2006, pp 27-28).

First of all, it is quite clear that any kind of constructive political EU conditionality came after 2000. The majority of the Quality of Government indicators begin improving only after the end of Milosevic’s regime. The successor governments had tremendous amounts of work to do to improve upon these governance aspects. However, it is evident that the legacies of ethnic conflict, divisions and economic underdevelopment are not easy to overcome. As a result, after more than sixteen years since the transition to democracy and intense EU conditionality, most of the governance indexes have barely reached positive figures like 0.05 and 0.09 according to the World Bank’s scoring system (by comparison, the more developed European nations like Germany and France score around 1.5-1.8 in most indexes). The progress in the areas of corruption control and rule of law is particularly disappointing and one that certainly does not help the country’s accession efforts. The last three years also show an alarming trend of stagnation or even deterioration in the performance of all governance indexes. This might be an indicator that EU conditionality is failing and requires revision in order to keep Serbia to the path of reforms and towards membership. Overall, and while keeping in mind the connection that was discussed earlier between institutional performance and social capital, EU conditionality throughout the years does not seem to have improved the performance of state institutions enough in order to facilitate the creation of a robust civil society.

The technical aspects of civil society in Serbia, display a similar pattern as with the Quality of Governance indicators regarding overall CSO sustainability: it improves drastically in the year before and right after the end of Milosevic’s rule and shows stagnation in the last three years. CSOs still face legal challenges and their organizational capacity is limited. But the two most important problems they face are by far their financial viability and their public image. The state still does not allocate enough funds to CSOs and they are mostly dependent on local and international donors whose contributions are not enough to sustain the sector. Their public image as well as their relationships with governments have always been, and still are today, problematic. Harassment by government officials and negative media coverage are frequent

phenomena and CSOs still struggle to get rid of the “public enemy” label they held since the communist times. In conclusion, the overall sustainability index draws a clear yet disappointing conclusion: all those years of EU conditionality have resulted in no noteworthy improvements to the sustainability of the civil society sector since 2001. All but one indicators are in the same or worse condition compared to 2001.

Finally, the data on citizen participation in CSOs is not very recent but it does draw a picture of general public unwillingness to participate in civil society. One of the conclusions of the 2006 CIVICUS report for Serbia was that “The key concern with (Serbia’s) civil society’s structure is the lack of widespread and active membership in CSOs and the lack of civic engagement at the community level which should be understood mostly as a result of decomposed social capital and partly as fatigue after long-term protest and demonstrations during the 90s” (Milivojevic, 2006, pp 147). The fact that levels of mutual trust are constantly decreasing is another testament to the low levels of social capital within the Serbian society. In conclusion, at least until 2008, EU conditionality did not appear to result in a significant increase in the, comparatively with other European states, low levels of participation in civil society organizations.

## **CHAPTER 4:**

### **Eastern Balkans - EU conditionality and civil society development in Romania**

#### **Introduction**

This chapter analyzes the second case study in this paper, Romania, representing the Eastern Balkans region. The chapter is divided in four sections: Firstly, the country’s accession path to the EU is explored in the years following its transition to democracy up until now. Secondly, the historical background of the country’s civil society prior to and until the end of communist years is investigated. Thirdly, the impact of EU conditionality on various dimensions of Romanian civil society is assessed using panel survey data. Finally, a section containing combined conclusions from the previous three is presented.

## The Romanian accession path to the EU

As previously mentioned, a large body of literature suggests that EU conditionality towards the Eastern Balkan countries (Bulgaria and Romania) was driven mainly by geopolitical, regional security and stability interests. This resulted in a type of conditionality that favored “quick integration” to slow and steady reforms. But as opposed to the “eager” and “willing” countries of Central Europe and the Baltics, the Easter Balkan countries were regarded as the laggards of the Eastern enlargement family since they began their post-communist transformation, having much less capacity for reform. Their inclusion into the European Union sparked heated debates about the EU’s “absorption capacity”, “enlargement fatigue” and the “borders of Europe” while many voices questioned their preparedness for membership in the following years.

Romania acceded to the European Union on the 1<sup>st</sup> of January 2007 after more than a decade of reform efforts which aimed at transforming the country from an authoritarian dictatorship and from near economic collapse to a modern democracy with a functioning market economy. But it is commonly asserted that Romania had often struggled to make progress towards EU membership. It has been a long, arduous process, necessitating painful domestic reforms and significant external pressure for change (Papadimitriou and Phinnemore, 2008, pp 1).

Romania’s “return to Europe” began almost immediately after the fall of the Ceausescu regime in late 1989. The new president Ion Iliescu, in his very first televised address to the Romanian public promised to integrate his country into the European structures. However, the legacy of repression, human rights violations and unpredictability of the communist regime coupled with the “murky circumstances” under which Ion Iliescu and his National Salvation Front (FSN) assumed power created a heavy shadow of suspicion over the country’s relations with the EU throughout most of the 1990. This resulted in the EU following a policy of “cautious rapprochement” for the initial years due to doubts about the intentions of the new government (Papadimitriou and Phinnemore, 2008, pp 19).

In September 1989, the “Assistance for Economic Reconstruction in Poland and Hungary” (PHARE) program was launched which involved measures for supporting domestic agricultural production, investment initiatives, vocational training, environmental protection, and improved access to EC markets through the accelerated abolition of quantitative restrictions. Inclusion in the PHARE program was one of the first tasks of the Iliescu government in which they succeeded on February 1990. This was the first major step in the establishment of proper EU-Romanian relations. Unfortunately, new allegations of human rights violations by the FSN government surfaced during early 1990. The mishandling by the FSN government of the May election coupled with the violent suppression of the student demonstrations in Bucharest on 13–15 June 1990 intensified EC suspicion towards the Iliescu regime to the point of all-out confrontation. On 14 June 1990, the Commission announced the effective freezing of relations with the Romanian government until the “the achievement of an economic and political system founded on the same principles prevailing within the Community”. These eventually led to the exclusion of the country from the PHARE program in July 1990 and the delay of the signing of the Romania Traded and Cooperation Agreement with the EU (Papadimitriou and Phinnemore, 2008, pp 22-23).

The next major step on the road to accession was the signing of a “Europe Agreement” (this was the name of the EU’s “association” process at the time) in November 1992. While other post-communist countries of Central East Europe like Hungary, Czechoslovakia and Poland had already concluded their European Agreements the FSN’s victory in the discredited May 1990 election and the government-sponsored violence against the student demonstration a month later meant the country’s exclusion from the first wave of Europe Agreement negotiations. This was also the time where Romania was coupled with Bulgaria as a group of countries whose relations with the EU were to develop at a much slower pace. In that way, Bulgaria and Romania became “second tier candidates”. The Romanian government made many unsuccessful attempts to open association negotiations during 1991 all of which were dismissed in light of lagging political and economic reforms, human rights violations and doubts over the elections procedure. However, the coup against the Soviet leader, Gorbachev in August 1991 marked the beginning of a change in the EU’s attitude towards enlargement and Romania benefited greatly from it. The dissolution of Yugoslavia happening at the same

time forced the Commission to re-examine its approach towards the Balkan states in light of stability and security concerns. Therefore, negotiations for the conclusion of a Europe Agreement between the EC and Romania began in May 1992 and concluded on November of the same year (Papadimitriou and Phinnemore, 2008, pp 27-31).

1993 saw the establishment of the famous Copenhagen criteria and the launch of the pre-accession strategy which provided powerful momentum for the EU's eastwards enlargement and would later form the basis for the Stabilization and Association Process (SAP). This made the requirements and prospect of membership much more clearly defined and helped the process of democratic consolidation and economic reform in Eastern Europe gather pace. But by that time, there was already growing frustration with Romania's slow progress and while this never seriously threatened ratification of the Europe Agreement (finally completed in February 1995), it did nevertheless confirm Romania's 'backmarker' position (Papadimitriou and Phinnemore, 2008, pp 34).

The Romanian government submitted a membership application on 22 June 1995 during a time where economic and political reform in the country continued to be slowed down by a lack of political will and powerful veto points within the governing coalition. A new government formed in 1996 by the Democratic Convention for Romania (CDR) which finally ended the political dominance of Ion Iliescu, was well received by the EU. And yet, it received damning assessments of the country's progress towards democratic and economic transition by the Commission particularly concerning the implementation of the essential elements of the *acquis* as regards the internal market. In other words, Romania was quite clearly failing to meet the economic criterion set out in Copenhagen while the fulfilment of the political criteria was still ambiguous (Papadimitriou and Phinnemore, 2008).

In 1998, the accession process was launched and the European Agreement was supplemented with an Accession Partnership setting out the short- and medium-term measures the country would have to take in order to make progress towards accession. But shortly after its commencement, in October 1998 the Commission, in its first Regular Report on Romania's progress towards accession, concluded that although Romania now meets the Copenhagen political criteria "...much remains to be done in rooting out corruption, improving the working of the courts and protecting individual

liberties and rights of the Roma. Priority should also be given to reform of the public administration. Romania has made very little progress in the creation of a market economy and its capacity to cope with competitive pressure and market forces has worsened” (European Commission, 1998). Despite that, it remained the government’s official policy to seek the earliest possible opening of accession negotiations in fears of being excluded from the accession momentum or seeing their accession confirmed as a distant prospect (Papadimitriou and Phinnemore, 2008, pp 42).

However, the Kosovo conflict of 1999 marked a rather abrupt shift in the EU’s so far cautious approach towards Romania. Despite the fact that the Commission, in its 1999 report stressed once again that Romania was “still neither a functioning market economy nor likely to be able to compete with competitive pressure and market forces in the EU” it recommended the opening of accession negotiations in October 1999. It is widely asserted that under “normal” circumstances the Commission would not have done so given the state of preparedness of Romania. But as the Commission itself did not hesitate to admit “The idea of EU enlargement has acquired new impetus over the past year. One of the key lessons of the Kosovo crisis is the need to achieve peace and security, democracy and the rule of law, growth and the foundations of prosperity throughout Europe. Enlargement is the best way to do this” (European Commission, 1999).

The Helsinki European Council decision to open accession negotiations on 15 February 2000. The first five negotiating chapters were opened in March. These were the least controversial, and were soon closed in June 2000. Four more opened in the second half of 2000 while the rest opened during the next two years. The Commissions reports after the launch of negotiations noted the overall functioning of government and the legislature had ‘improved considerably’ and that ‘significant progress’ was being made in various areas but again expressed concern over corruption levels in Romania and the lack of progress with reform of the public administration. Macroeconomic reform was acknowledged yet it was deemed as limited (Papadimitriou and Phinnemore, 2008, pp 46-48).

The decision to exclude Romania from the “big bang” enlargement of 2004 was taken by the European Council in December 2001 as only nine out the seventeen opened chapters had been closed. Although this initially came as a disappointment to many,

following events such as the lifting of the visa requirement for Romanians visiting the Schengen area from the 1<sup>st</sup> of January 2002, the publications of ‘Roadmaps’ by the Commission, detailing the main steps that Romania (and Bulgaria) needed to take to meet the requirements of membership and perhaps more importantly a target accession date (of 2007) signaled the message that membership was indeed very close. The final round of negotiations at which the last chapters were formally closed duly took place on 14 December 2004.

## Overview of the historical background of civil society in Romania

Much like most post-communist countries, the development of civil society in Romania is a relatively recent process. The space, created by the post-communist institutional upheaval since 1989, between the market and the state is being filled by this emerging civil society (Epure et al. 1998).

Epure suggests that until the mid-nineteenth century, there were no significant civil society activities in Romania. When compared to the rest of Europe, he claims that there was no tradition of philanthropy and non-profit activities in ethnic Romanian populations. The historical regions which form the modern state of Romania (Moldavia, Wallachia and Transylvania) were faced with many barriers that inhibited the growth of civil society. These include geo-political instability, caused by the fact that the emerging Romanian statehood at the borders of three competing empires (Austro-Hungarian, Tsarist and Ottoman), prolonged foreign rule, delaying the development of strong local socio-political institutions. Additional barriers include the rural nature of the provinces, the general agrarian nature of Romanian society and the failure of the dominant Orthodox Church to stress the value of charity in its theology (Epure et al. 1998).

According to the Civil Society Development Foundation (2005) the institutional basis for the development of civil society and the non-profit sector in Romania were established in the interwar period. The 1923 Constitution provided the first full recognition of citizens’ freedom of association, and the brief democratic interlude of

the interwar period led to the emergence of a new, yet fragile, civil society, as cultural and sport association began to flourish and the Romanian Red Cross began to emerge, together with many other organizations targeting disadvantaged groups (Civil Society Development Foundation, 2005, pp 16).

After WWII, the communist regime virtually destroyed any existing civil society structures which were seen as competitors to its power like businesses, trade unions, churches, newspapers and other types of voluntary associations. A “benign” civil society began reemerging in the late 1970s and 1980s which did not strongly oppose itself to the regime consisting mainly of outdoors clubs (like hiking and caving clubs), environmental protection and cultural associations. Although these organizations had significant amounts of members, they were often funded by the state or through communist organizations and lacked the willingness to confront the leadership of the country. Also, there was no organized movement of dissidence led by intellectuals with deep social roots, which would be comparable with the Charta 77 movement in Czechoslovakia or Solidarnosc in Poland (Civil Society Development Foundation, 2005, pp 16-17).

The absence of a genuine associative culture meant that the emergence of a new civil society after the fall of Ceaușescu in 1989 needed to be built on a different bedrock, placing greater value on elements related to the non-governmental status and social mission of the associations (Epure et al. 1998). Therefore, international institutions, Western governments and various foreign donors developed programs to support the emerging Romanian civil society (Civil Society Development Foundation, 2005, pp 17).

During the early 1990s, civil society was perceived as a “public enemy” of Romania’s new leadership. President Ion Iliescu for example, a former member of the communist regime, had labelled the participants of the 1990 University Square protest movement “a bunch of hooligans and junkies”. Since then, a portion of Romania’s civic associations found their legitimacy in opposition to what it perceived as the heirs of the former communist party (Civil Society Development Foundation, 2005, pp 17).

In the following years the relations between NGOs and political decision makers slowly improved. In 1996 the victory of the so called “Democratic Convention” (a Christian Democratic coalition government) in the elections was a landmark for Romanian civil

society as many prominent NGO leaders joined the new administration as presidential advisors, ambassadors and government officials. A rapid increase in the number of NGOs was registered in this period but it was marred by numerous scandals relating to corruption and abuses, such as fraud or tax evasion. Generally, the initial great expectations by civil society representatives were not met and in the context of the difficult economic conditions in these early years of transition, the discontent with the new democratic government “spilled over” to the image of NGOs that were linked with it (Civil Society Development Foundation, 2005, pp 18).

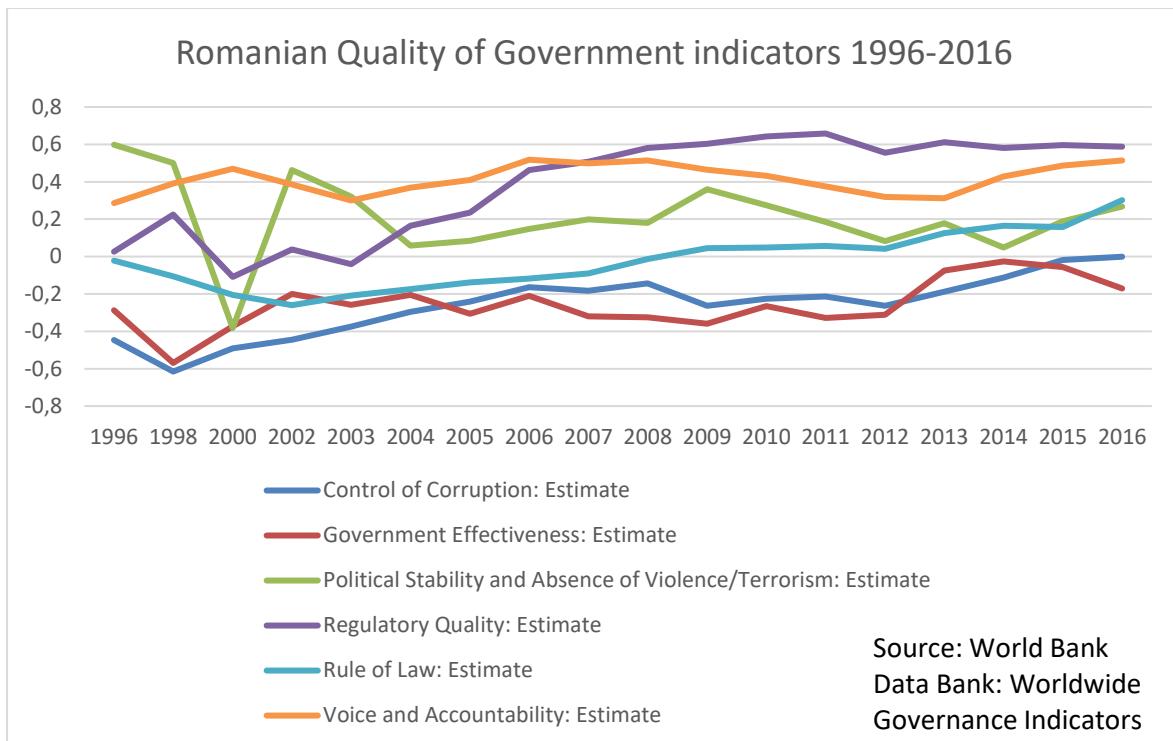
Civil society and state relations remained difficult in the early 2000s as the new government was accused of attempting to control the mass media and CSOs. However, the formal institutional dialogue between government and CSOs improved, and CSOs began leveraging the European Union conditionality requirements to advance their agenda. The successor governments eased much of the tension in the relations between civil society and state and were much more willing to cooperate and support CSOs (Civil Society Development Foundation, 2005, pp 18).

## **Assessing the impact of EU conditionality on Romanian civil society**

The three sub-variables explained in the research/methodology chapter will now be examined for the case of Romania, accompanied by commentary and additional information.

### **a) Quality of Government**

The first one to be examined is the Quality of Government variable using data from the World Bank’s Worldwide Governance Indicators database. All six estimates receive a score of -2.5 (worst performance) to 2.5 (best performance).



The “Control of Corruption” indicator captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests. Most progress was registered here after Romania’s European Agreement was supplemented with an Accession Partnership in 1998, in the 1998-2008 period. After a four-year deterioration the fight against corruption appears to have gained a new boost since 2012. However, overall performance is quite disappointing for a country that was exposed to EU conditionality for over 20 years and has been a member state for over ten years.

The “Government effectiveness” estimate captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies. This indicator largely resembles the control of corruption indicator: While it shows some progress after 1998, improvements are materializing at a very slow pace and even took a large hit during last year. It is also the worst performing indicator.

The “Political stability and absence of violence/Terrorism” estimate measures perceptions of the likelihood of political instability and/or politically-motivated

violence, including terrorism. Performance here is quite unstable and overall unsatisfactory. Somehow, destabilization seems more frequent after the 1998 Accession Partnership.

“Regulatory Quality” captures perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development. This is the strongest result for Romania. Although still not quite up to par with some of the older member states, performance in regulation sees significant continuous improvements after 2003 for almost a decade.

“Rule of Law” captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. Any real efforts to improve the rule of law clearly began after 2002 and since then a trend of very slow gradual improvement is observed. Despite a slightly higher jump the previous year, performance is still far from “European Standards”.

Finally, the “Voice and Accountability” estimate captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. It is the second best performing indicator but one with rather unpredictable patterns. Also, for an EU member state, performance is still mediocre at best.

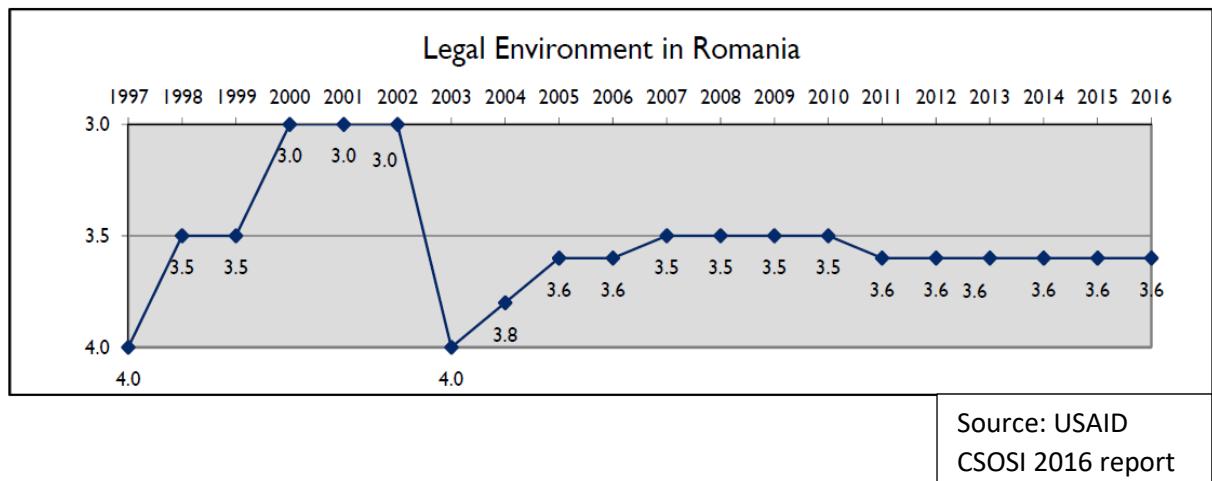
All in all, government quality after Romania acceded still appears to suffer from what Romania was struggling with in order to achieve accession more than ten years ago: slow reforms. There is little doubt that Romania is not the same country now compared to 1990s. However, joining the EU clearly did not result in significant change to the slow pace of reforms.

## b) Sustainability of CSOs

The second sub-variable to be examined, the Sustainability of CSOs, will be measured through the indexes of the “2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia” developed by the United States Agency for International Development (USAID). Scoring for the indexes ranges from 1 (most developed) to 7 (most challenged).

## Legal environment

### **LEGAL ENVIRONMENT: 3.6**

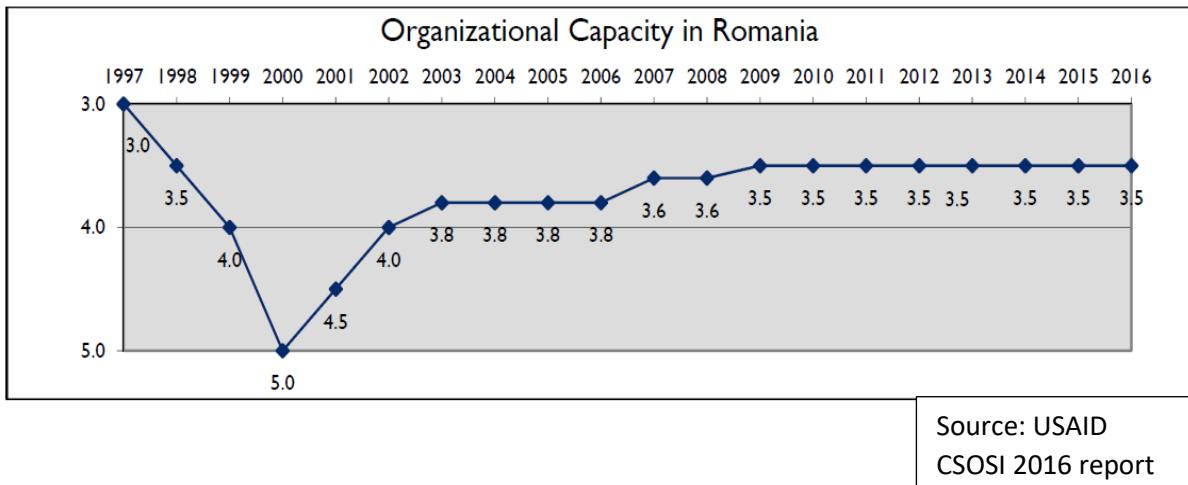


The legal environment for CSOs did not change significantly in the last 5 years. Major improvements were recorded in 2000 when new legislation streamlined the registration process, established a central registry for NGOs, and specifically grants the right to NGOs to establish subsidiaries to carry out commercial activities (USAID, 2001, pp 133). A large dip is observed in 2003 when new legislation was passed: Ordinance 37/2003 included provisions such as one requiring the Ministry responsible for overseeing activities related to the proposed mission of an NGO to authorize the NGO's registration, which is considered a restriction of rights guaranteed under the Romanian constitution. This law also made it more difficult to obtain "public utility" status and restricted NGOs' access to budgetary resources from local and central government funds for activities that are recognized as being in the "public interest" (USAID, 2004, pp 153). Only some progress seems to have been made ever since.

The 2016 report notes that registration process for associations still requires significant time and involves complex procedures. In July, the government launched a public debate on the difficulties with CSO registration and the operation of the National NGO Register. Although CSOs proposed several viable solutions, no concrete steps were taken by the end of the year to change official procedures. On the other hand, CSOs can generally operate freely within the law. In contrast to 2015, there were no reported incidents of harassment of CSOs in 2016 (USAID, 2016, pp 189).

## Organizational capacity

### **ORGANIZATIONAL CAPACITY: 3.5**

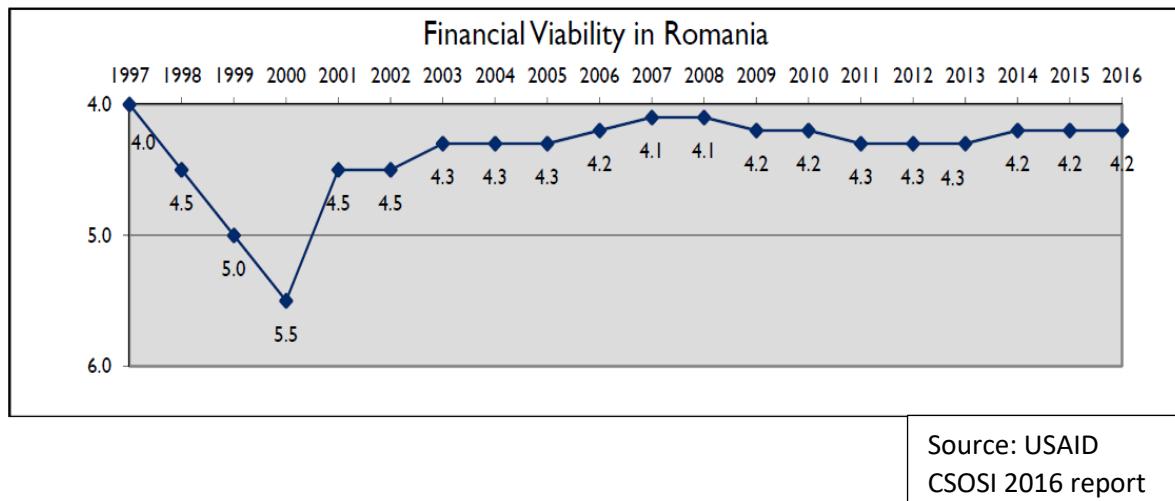


Organizational capacity has remained stagnant for seven years now. The stark drop in performance in the late 90s and early 2000s is attributed a lack of funds has contributed to the decline of the sector's organizational capacity by decreasing NGO activities. Many NGO professionals gave up working full time in the sector and transferred to jobs in the business or public sector. Most NGOs struggle to cover basic costs including office space, telephones and the salary and benefits of at least one professional staff member (USAID, 2001, pp 133-134).

The latest report indicates that CSOs do not garner significant local support for their initiatives and projects due to the limited level of public trust in the sector. CSOs' constituency-building efforts are not consistent, and some CSOs are not yet aware of the importance of encouraging participation in their activities. Most CSOs that do have strategic development plans fail to implement them due to the lack of continuity and predictability of funding. The majority of CSOs find it difficult to maintain permanent paid staff (USAID, 2016, pp 190-191).

## Financial Viability

### **FINANCIAL VIABILITY: 4.2**

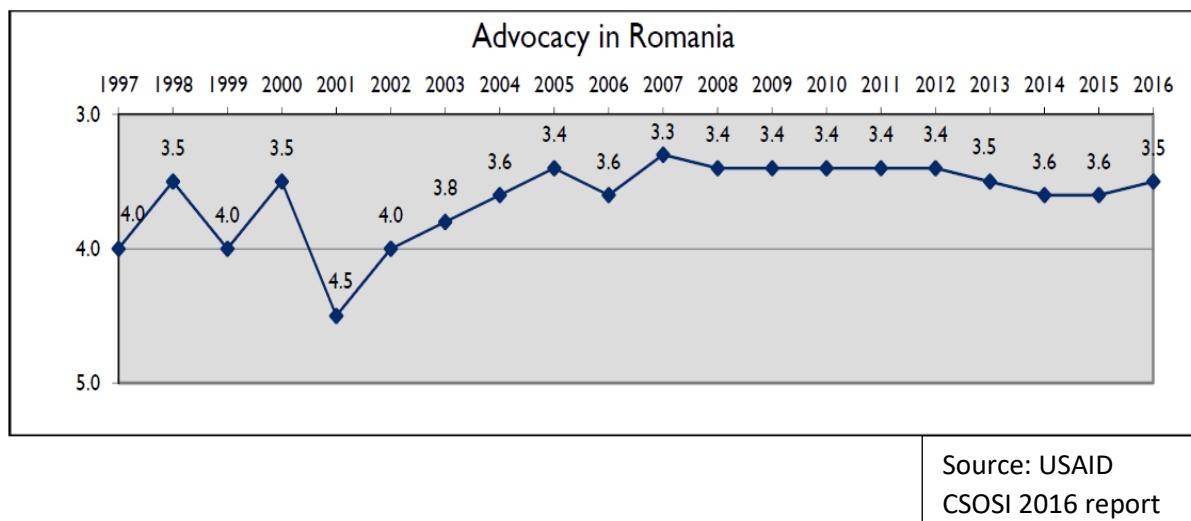


The financial viability of CSOs in Romania is generally problematic. It remained the same in 2016 as in the previous two years. The rebound observed in 2001 is attributed to a combination of growing local support, increasingly effective fundraising techniques and raised expectations in terms of public support and economic activities because of new legislation (G.O. 26/2000). It was stated that some public benefit organizations “may be granted subsidies,” but NGOs understood it as “will be granted subsidies” (USAID, 2001, pp 129). But there is very limited progress made ever since.

The 2016 report states that private funding dominates in the absence of traditional funding sources, such as the EEA/Norway Grants and the European Structural Funds. While CSOs have diverse sources of funding, most funding continues to be project-based, which limits their financial stability. Access to public funds takes the form of grants from national and European funds, and subsidies for social services provided by CSOs, both of which decreased in 2016. CSOs generally receive limited funding from local government budgets. Some of them supplement their income through revenue earned from providing services or selling products (USAID, 2016, pp 191-192).

## Advocacy

### **ADVOCACY: 3.5**

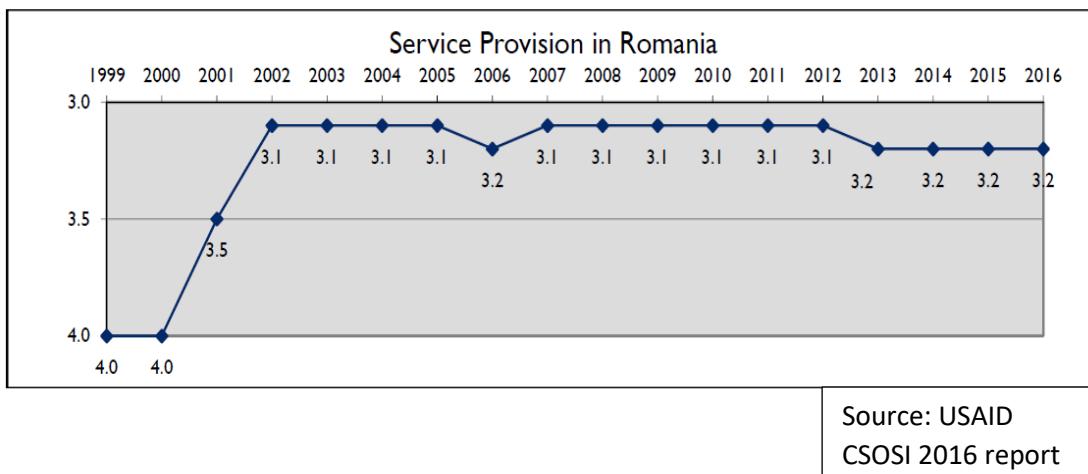


The advocacy index has generally shown little progress in the last twenty years. The 2001 dip in performance is explained by the Office of Public Information and Relations with Civil Society in the Romanian Chamber of Deputies being nearly dissolved at the beginning of last year due to rising pressure for the Chamber to reduce personnel costs and lobbying activities as a whole losing momentum (USAID, 2002, pp 130).

Advocacy slightly improved in 2016, as cooperation with central government expanded, leading to a number of advocacy and lobbying successes. The report claims that several CSO advocacy initiatives successfully influenced policy in 2016 such as the adoption of a new Anti-Corruption Strategy (2016-2020), which relied on several CSO consultations. Watchdog organizations made significant contributions to monitoring the local and parliamentary elections in 2016, and made recommendations to improve the current election law for local offices. CSOs also advocated for legal changes to improve their operations (USAID, 2016, pp 194).

## Service Provision

### **SERVICE PROVISION: 3.2**



Service provision by CSOs in Romania improved drastically in 2001 and 2002 and has since stabilized at relatively decent scores. Romanian NGOs used to provide mostly social, educational, cultural and recreational services and the increase of the early 2000s is due to NGOs displaying efficiency in complementing the state in domains such as higher education or child welfare, where the state is unable to meet demand. Goods and services offered by NGOs increasingly reflected the needs and priorities of communities (USAID, 2002, pp 130).

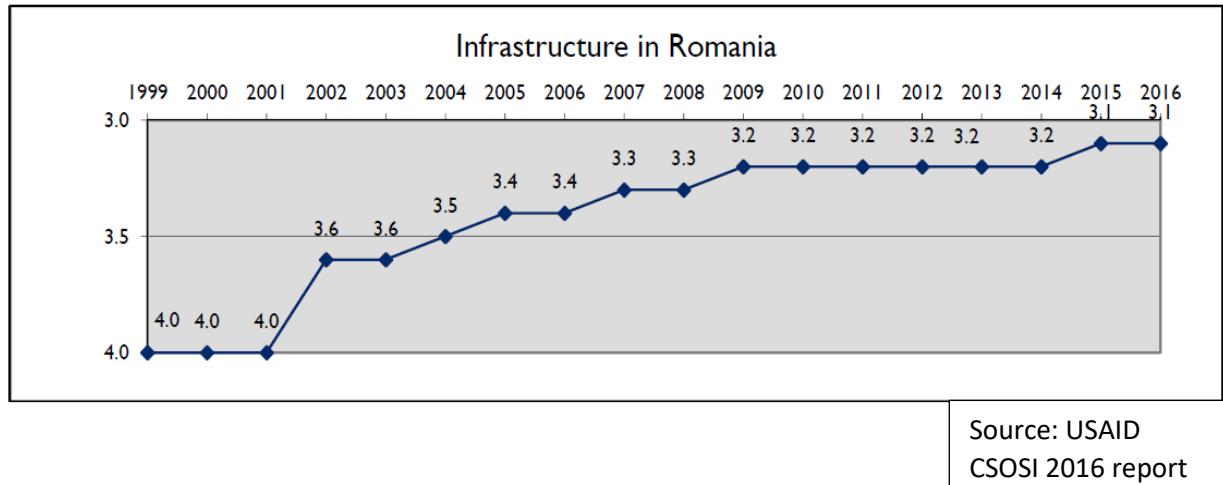
CSO service provision did not change significantly in the past three years. CSOs provide services in a variety of fields, including basic social services such as health and education, and other areas such as economic development, environmental protection, governance, and empowerment. Think tanks like the Expert Forum or ActiveWatch monitor the allocation of public funds. Other CSOs provide social services targeting various vulnerable groups by protecting their fundamental human rights and ensuring special protective measures to facilitate their social integration. Examples include homeless shelters, training teachers for schools in vulnerable communities and environmental CSOs trying to prevent illegal logging (USAID, 2016 pp 194-195).

Some CSOs charge fees for the services they provide most commonly for training services. A growing number of CSOs have also created social enterprises in order to charge fees to raise income to benefit their target groups. During 2016, the government closely cooperated with civil society, recognizing the value of CSOs in the provision and monitoring of social services and providing CSOs with more opportunities to participate in decision-making processes. For example, the government founded the

Anti-Poverty Coalition, which includes forty-six CSOs and public institutions, to improve existing poverty reduction programs and their implementation (USAID, 2016, pp 195).

## Infrastructure

### **INFRASTRUCTURE: 3.I**

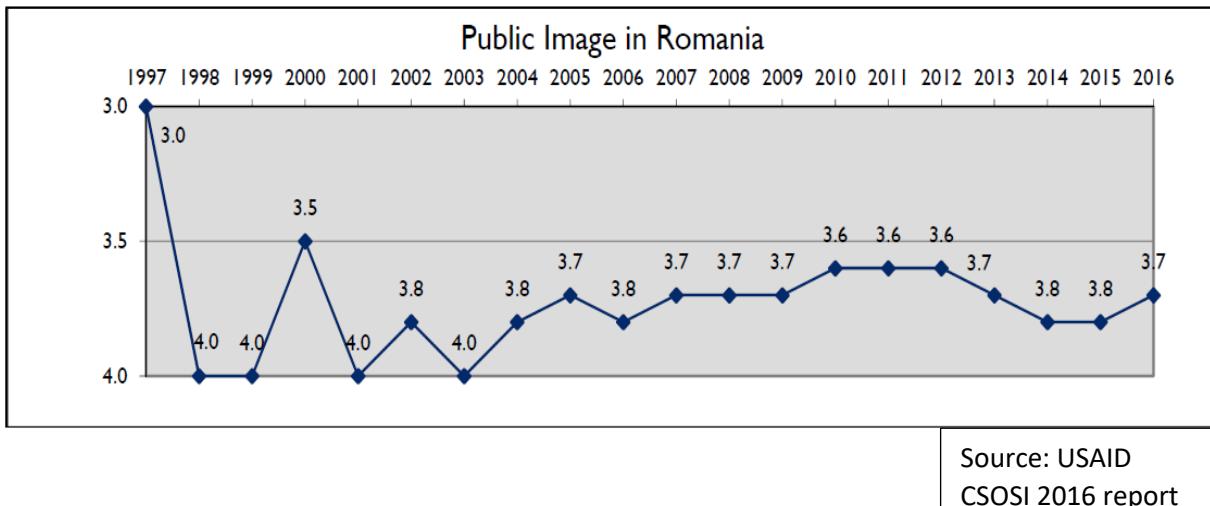


The infrastructure index is the best performing one for Romania. 2002 saw an increase in the number of support organizations and NGO resource centers which offered a wide range of services, such as information, training, and technical assistance, hence the increase in performance (USAID, 2004, pp 195). Incremental improvements are observed every few years ever since.

The 2016 report states that while traditional CSO coalitions are not as active, new informal ones are picking up pace. CSO resource centers and local grant-making organizations exist, but still cannot meet all the needs of the civil society sector. Resource centers that provide support to CSOs on a range of topics include CeRe, Resource Center for Roma Communities, and ProVobis National Resource Center for Volunteering. However, the services of these centers largely depend on available funding and gaps in funding from EU sources affected the services they provided in 2016. CSOs also have access to training opportunities, including online offerings. In 2016, a diverse range of free webinars was organized. Topics included fundraising, financial planning, project writing, organizational management, policy advocacy, and communicating the needs of people with disabilities (USAID, 2016, pp 196).

## Public image

### **PUBLIC IMAGE: 3.7**

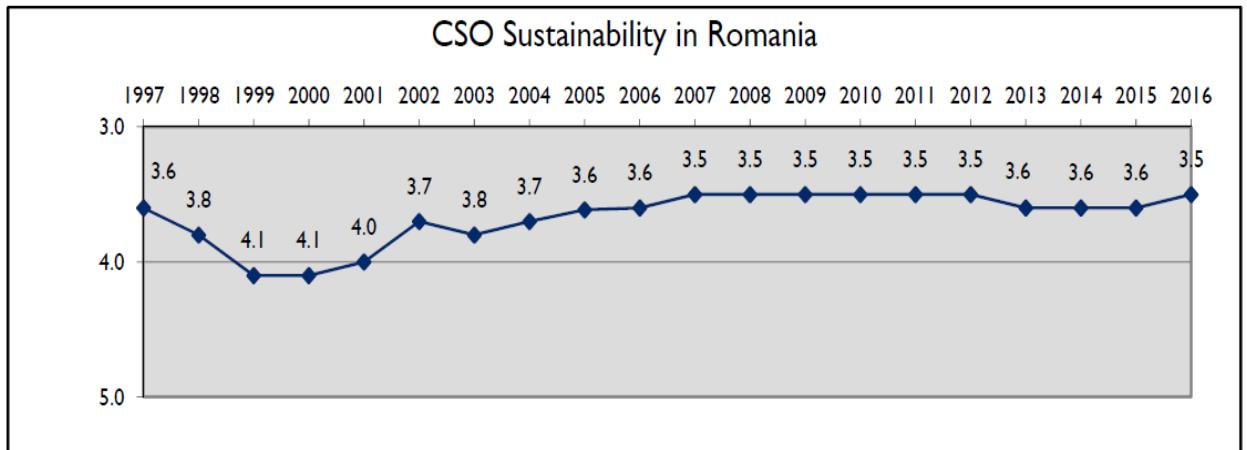


The public image index of CSOs in Romania was characterized by abrupt spikes and dips in the late 90s-early 2000s period. During 1998-1999, the public image of the sector was seriously affected by a media campaign, exposing fake NGOs that were engaged in fiscal corruption. The misuse of foundations, for example, using them for tax-free import of personal vehicles was common (USAID, 2000, pp 136 and 2001, pp 131). The civil society sector image started improving and stabilizing after 2003 when studies and papers issued by well-known NGOs like the Romanian Academic Society and Transparency Romania attracted attention from many policy makers. Increased advocacy targeting children's rights, domestic violence, corruption, HIV/AIDS, human rights and health also helped in this regard (USAID, 2005, 211).

CSO public image, particularly government perception of the sector, improved in 2016. The state was generally more open to CSO consultation and presence of former CSO activists in the government increased. However, there are still accusations by some political parties that CSOs act as foreign agents. According to 2016 data from the INSCOP research center, public confidence toward CSOs increased slightly but the level of trust in CSOs is still quite low compared to other social and private institutions like universities, mass media, and churches. Media coverage of CSO projects and activities increased, particularly in the first half of the year contributing to an increased understanding of the role of civil society but was hampered by the characterization CSOs as agents of foreign interests during the election campaign season (USAID, 2016, pp 196-197).

## Overall performance

### **CSO SUSTAINABILITY: 3.5**



The overall sustainability of the civil society sector slightly improved in 2016 with improvements noted in the advocacy and public image dimensions. CSOs significantly influenced the policies of the technocratic government, and - despite increased accusations of foreign influence - garnered a more active media presence and greater appreciation from government. In addition, the registration process became slightly easier and CSOs' prospects for earning income improved with the passage of some legal regulations that defined social enterprises and gained access to assets confiscated by court order. The biggest challenge that the sector faces is clearly its financial viability, most importantly the limited funding from local government budgets, with other indicators performing form slightly below to slightly above average.

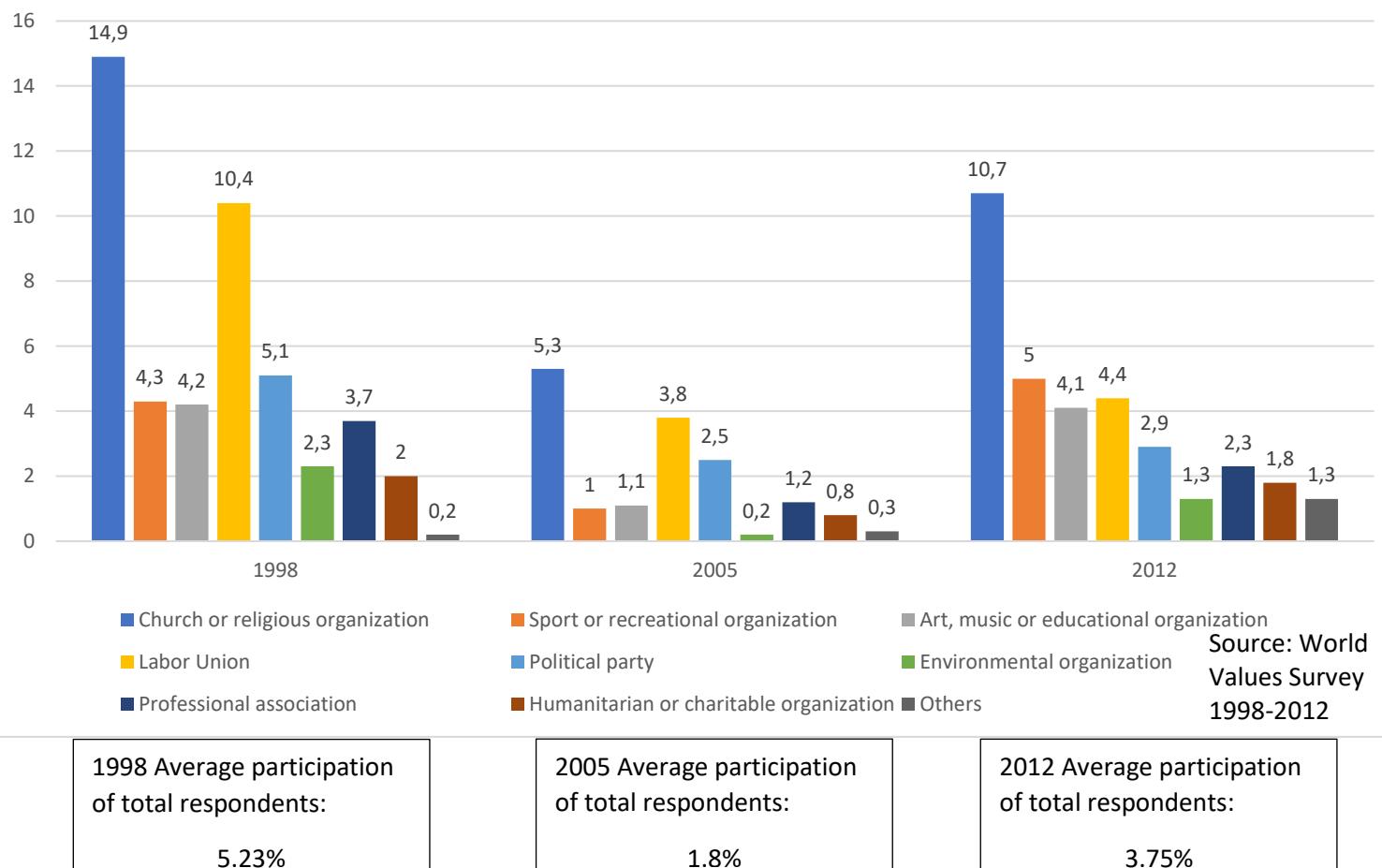
### c) Citizen participation in CSOs and levels of trust

The third sub-variable measures levels of civil society organizational memberships and levels of social trust using data from the World Values Survey and European Values Survey. Data is not consistently available as the surveys are not carried out on a scheduled yearly basis. Therefore, the latest data available will be presented in each case.

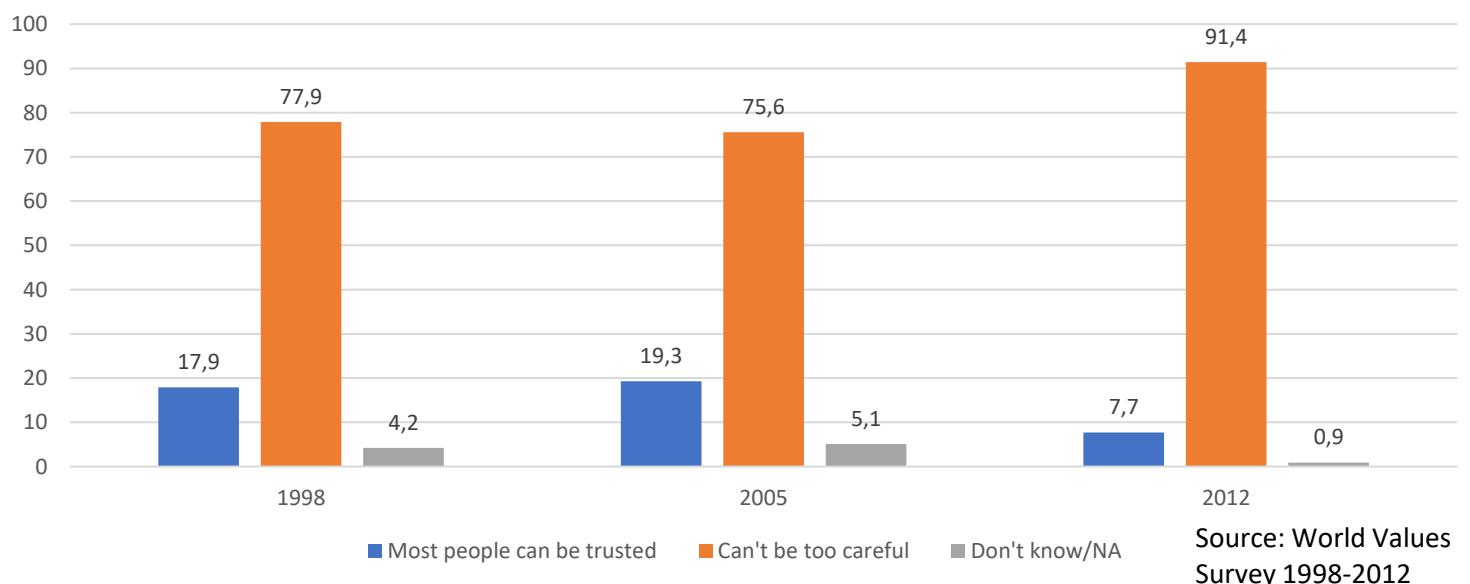
Data for Romania was available for three different years from the World Values Survey. The following tables display responses to the question "Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?" and membership levels in nine different types of CSOs (only those who state

that they are active members are recorded – if inactive members are included, membership numbers are much higher):

Percentages of active membership in nine types of CSOs in Romania



Trust levels in Romania: Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?



In terms of organizational memberships, Romania belonged to the better performing part of post-communist countries during the 90s with 5.23% of survey respondents being active in a CSO. Compared to older democracies and post-authoritarian states, these levels of membership are of course still much lower. This is in line with Howard's findings (see Appendix Table 1). However, very curiously, organizational memberships plummeted in 2005 at least according to WVS survey data. It is not clear if this was a persisting pattern of gradual disengagement from CSOs since 1998 or an abrupt fall attributed to some other factors at the time. Nevertheless, performance in this aspect was exceptionally poor at the time, especially if the fact that EU accession negotiations were concluded just a year before is taken into account. Seven years later in 2012, and although membership numbers have rebounded, participation in CSOs is still rather weak.

## Conclusions

The Romanian civil society historical path is a special one because CSOs actually began re-surfacing a whole good decade before the collapse of the communist regime in 1989. It was a “benign form” of civil society composed mainly of recreational clubs that did not have profound political agendas and certainly did not challenge the regime. The familiar features of a vocal and politically active civil society appeared only after Ceaușescu’s fall. However, given the fact that the new leadership was composed mostly of ex-communists, for the entirety of the 1990s, civil society was viewed as the “enemy of the state”. Civil society-state relationships remained difficult in the early 2000s as well with genuine signs of cooperation appearing after the change of government in 2004.

As far as Quality of Government is concerned, the quite noticeable trend is that progress in the last twenty years pretty much across the board, is fairly slow. Government effectiveness and high levels of corruption are major issues which were not sufficiently addressed before or after Romania’s accession. Regulatory quality is the only area where somewhat decent improvements have been made. The rest of the governance indexes are still not up to par with European standards even after more than twenty-six years of EU conditionality, ten of which as a full member state. In conclusion, while EU conditionality did manage to improve Quality of Governance in Romania overall

in the course of almost three decades, it never managed to accelerate the slow pace of reforms which have been the main issue since the early years of transition.

The overall sustainability of the civil society sector in Romania has not changed significantly in the last twenty years and there is no available data for the immediate years following the transition in 1990. Generally, the performance in most areas is relatively decent. The infrastructure and service provision are two dimensions that have shown considerable progress since 2000. The main issue for Romanian CSOs is their financial viability with most funding continuing to be project-based and generally receiving limited funding from local government budgets. A somewhat negative public image fueled by various accusations by certain political parties and negative media coverage is also a slight concern. But improved cooperation with the government and the ability that CSOs displayed in influencing public policy in recent years are very encouraging signs.

Finally, the data on citizen participation in CSOs surprisingly shows that membership in CSOs was more common in 1998 than 2012. As the CIVICUS report reads “The major structural weaknesses of the Romanian civil society remain low levels of citizen participation in associational life, together with a poor level of organization and limited inter-relations among civil society organizations, which represent obstacles for the development of a strong civil society sector” (Civil Society Development Foundation, 2005, pp 31). This unfortunately still appears to be the case based on the latest WVS data which also shows extremely high levels of interpersonal distrust among Romanians. To conclude, levels of membership in CSOs seem to vary a lot each year and it does not seem that EU conditionality has had a pronounced positive effect in citizen participation in associational life.

# **CHAPTER 5:**

## **Conclusions - Eastern and Western Balkans in comparative perspective**

### **Introduction**

The final chapter summarizes and compares the findings from the previous chapters. At first, the context of the comparison is established since differences in both the recent and more distant history of the two states must be taken into account to understand the EU's impact on them. Afterwards, similarities and differences in the impact of EU conditionality on each country's civil society are described based on the qualitative and quantitative data presented on the previous chapters. The chapter ends with some concluding remarks.

### **Comparing the cases of Serbia and Romania**

When attempting to make any comparison between these two case studies a number of facts needs to be taken into account. The most obvious one is that it is a comparison between a member state and a non-member state. Hence it is only natural that the two post-communist countries are in different stages in the democratization process. This is indeed confirmed by the empirical results of this paper and will be discussed more later. Due to this fact alone, the comparison might seem slightly unfair but the reasoning for this choice lies elsewhere, namely in the way that the EU has chosen to approach each of these regions (Western Balkans and Eastern Balkans).

Romania along with Bulgaria began their “journey back to Europe” much earlier than the Western Balkan countries. Romania came into the EU's radar from the very beginning of the 1990s and its leadership proclaimed commitment to Europeanization from the start, despite the fact that for most of the 1990s Romania was struggling to be accepted by the EU as a legitimate partner/candidate. This happened because the EU held doubts over Romania's capacity for reform and the trustworthiness of its new leadership. This policy of cautious and reluctant rapprochement however came to an

end due to a series of events throughout the 1990s that alarmed the EU institutions, causing them to shift their policy towards a much more “expedited” conditionality for the Eastern Balkans. These events most notably included, the end of the Soviet Union in 1991, the violent dissolution of Yugoslavia in the following years and “the last straw”, the 1999 Kosovo war. Driven by worries of instability spill-overs to the Eastern Balkan region, the EU significantly relaxed conditionality towards Romania and Bulgaria and chose to integrate them as quickly as possible. A major example of this is the opening of accession negotiations in 1999 which, as widely asserted, would not have happened under “normal” circumstances given the state of preparedness of Romania.

On the other hand, Serbia was exposed to “genuine” EU conditionality (the kind that includes the prospect of membership) only after 2000 when a democratic government was installed. Before that it was still embroiled in the violent clashes that broke-up Yugoslavia, the worst armed conflict that Europe has experienced since WWII. Serbia, much like most of the Western Balkan countries came out of this war shaken, with its political, economic and social infrastructure badly damaged. The after effects of the still relatively recent Yugoslav wars and the long and arduous processes of rebuilding and reconciliation are enough to explain to an extent why Serbia is still not a EU member state nearly twenty years later. However, the most crucial factor in Serbia’s membership prospects is arguably the intensity of EU conditionality. In that regard, Serbia was largely unfortunate mainly because of two main reasons. Firstly, aside from the immense state-building efforts required to meet the Copenhagen criteria, Serbia was subjected to conditionality concerning politically sensitive and deeply polarizing issues: Cooperation with the ICTY for the crimes committed during the Yugoslav wars and a solution to the status of the Kosovo region. The first involves putting on trial before an international tribunal many individuals that are considered Serbian national heroes by some and criminals by others, which might lead to the feeling that an entire nation is on trial. The second involves the loss of what is considered by many Serbians as their territory through Western military intervention. These events have definitely shaped up Serbian-EU relations in the following years. The second major reason as to why Serbia is subjected to very stringent conditionality has to do with the EU itself. The EU is simply not in the same condition it used to be in the late 1990s to mid-2000s, a condition which, for example, allowed it to offer accession negotiations to an ill-

prepared Romania almost overnight. It is a much more complex, more inflexible union with fine balances which includes many more member states than it used to. This increasingly intricate and harder to manage EU now also has memories of the criticism it received for allowing Romania and Bulgaria to join prematurely and has consequently hardened its stance towards potential future members in fear of jeopardizing the achievements of integration.

In other words, Serbia and Romania are two countries that started their Europeanization efforts in different time periods, coming from different historical backgrounds, with different levels of preparedness at the start and most importantly, they received much different treatment by a constantly evolving EU which tries to adapt to different conditions as a whole. The question this paper seeks to answer is whether there is a measurable impact of EU conditionality on various aspects relating to local civil societies and if the discrepancy of the EU's approach between the two regions plays any role in the effects of conditionality on their respective civil societies.

Civil society in Serbia, unlike Romania, has a long tradition that can be historically, traced back to the late 19th and early 20th centuries to the traditional forms of solidarity, particularly in rural communities, the influence of the Eastern Orthodox church and its understanding of charity, and in the activities of numerous humanitarian, educational and other societies that operated in Yugoslavia from the beginning of the 20th century until the Second World War. It is also a civil society that played an active role in opposing and eventually overthrowing the oppressive regime in 2000 which opened the way to democracy. The impact of EU conditionality in improving Serbia's poor institutional performance since the beginning of the twenty first century is evident, albeit still not in satisfactory levels. Quality of government indicators were somewhat steadily improving from 2000 to 2013 but appear to have stalled ever since. High corruption and the lack of rule of law are the two major shortcomings here. While better governance should be linked with improvements in the "quality of CSOs" and increased participation in civil society according to the institutional theory of trust, data from the next two main variables cannot strongly support this hypothesis. The general sustainability of the civil society sector in Serbia saw its best improvements immediately after the transition to democracy, not in the following years where EU conditionality was in full effect. In fact, according to USAID data, the overall sustainability index of CSOs in Serbia received the exact same score in 2001 as it did

in 2016. Additionally, none of the sustainability dimensions show a marked improvement in the years following the signing of Serbia's SAA in 2007 (perhaps with the exception of the legal environment dimension). The last and perhaps the most important metric of civil society strength which is citizen participation in CSOs, is unfortunately the one with the least amounts of recent data available which makes drawing definitive conclusions rather unsafe. What can be observed is that Serbia was traditionally characterized by low membership levels in CSOs and that there was a trend of increase of participation particularly during the latter half of the previous decade. However, it cannot be generally supported that EU conditionality has stimulated a significant enough increase in peoples' willingness to participate in CSOs and given the fact that integration appears to have stalled in recent years, it is unlikely that membership levels have risen by much after 2008.

Romanian civil society on the other hand, has no historical background of a genuine associative culture like philanthropy and non-profit activities before the establishment of communism. This is because the historical regions which form the modern state of Romania were faced with many barriers that inhibited the growth of civil society. Also, its emerging civil society in final years of the communist leadership did not oppose it like in other Eastern European countries but was rather occupied with providing services for its members. Compared to Serbia, Romania was in a much better position regarding quality of government by the late 1990s. But it displays large disparities in the performance of each of the six governance indicators which persist over time with some of them clearly underperforming and others reaching close to decent performance. However, all of them (perhaps except for regulatory quality) show very slow patterns of improvement over the twenty-year period under study. It seems that neither before nor after acceding has Romania managed to tackle the issue of painfully slow domestic reforms which has been the main obstacle in its Europeanization path from the very start. The sustainability of the Romanian CSOs does not appear to have been influenced much by conditionality as the overall sustainability scores are virtually the same since 1997. Aside from the infrastructure dimension, no other indicator sees a somewhat stable trend of improvement over the span of those nineteen years. While the overall sustainability of CSOs is on average levels and certainly much better than Serbia's, it is still disappointing how even more than ten years as a full member have not resulted in any noteworthy gains. Finally, the findings on citizen participation in civil society in

Romania are most unexpected. Not only levels of participation in CSOs were and still are very low overall but they also appear to be much lower in recent years than they were back in the late 1990s. It is quite clear that compliance with conditionality and EU membership cannot be associated with increasing levels of citizen participation in CSOs at least in the case of Romania.

In general, the two countries show some similarities and some differences concerning their civil society development over the last two decades. The impact of EU conditionality on governance in Serbia appears to be stronger and more consistent compared to Romania's unpredictable and slow progress. But the fact that the two countries are in different stages of the democratization process (Romania is generally performing better) should always be taken into account. According to the institutionalist approach, institutional performance is a key determinant of the creation of generalized trust and the building of social capital. Therefore, it is expected that gains in the quality of government would strengthen civil society. Yet, this clearly does not seem to be the case regarding the sustainability indicators of CSOs in either country. Both countries show no significant overall gains since their transition to democracy that could be attributed to EU conditionality. This might mean that conditionality is failing to affect this particular aspect of civil society which seems to be dependent more on domestic decisions. Lastly, the findings on participation in associational life are mixed. Both Serbia and Romania have traditionally had very low membership numbers in CSOs. Serbia showed a slight trend of increased participation in the end of the previous decade but there is no way to confirm if this continued in the next decade due to lack of data. Romania on the contrary, seems to have experienced a massive disengagement of citizens from civil society compared to the late 1990s and membership levels were not high back then either. Additionally, an alarming similarity between the two countries are the extremely high and rising levels of interpersonal distrust which show that a key component of a strong associational culture is severely lacking. Regarding these important grassroot elements of civil society, EU conditionality seems to have failed to stimulate meaningful progress.

## Concluding remarks

The purpose of this thesis was to investigate how the last few decades of Europeanization reforms have served the civil society sector in two key countries of the Balkans. It was expected that as EU integration was progressing, the various dimensions of civil society in the two countries would be improved given that the development of civil society is an important part of EU conditionality. Based on the empirical findings of chapters 3 and 4, it is safe to say that this has not happened to an adequate extent in either case. Available data for both countries shows that the improvements made over time to the performance of state institutions have not translated to improved sustainability in the civil sector or significantly increased willingness by citizens to participate in CSOs.

Attempting to answer why the EU has failed to elevate civil society in the Balkans is not a straightforward task. Whether the current strength of civil society depends heavily on historical legacies is debatable with some authors like Howard answering positively and others like Bailer, Bodenstein and Heinrich answering negatively. However, the main question that arises is not why Balkan civil society came out weak but why all these years of Europeanization efforts have not strengthened it despite the huge emphasis placed on it by the EU. The stagnation in terms of CSO sustainability could be attributed to local inefficiencies or unfavorable government decisions. But how are the persistently low numbers of membership in voluntary organizations explained? What comes to mind first is the consistently negative image that CSOs have to the general public even until today, which is actually a common theme across the Balkans. When a large amount of people attach labels to CSO leaders like “foreign hireling”, “traitor” or simply “people who take money from the government/EU to do nothing” it is no surprise that they do not want to engage with these organizations. Additionally, as mentioned in the early chapters, there could be a gap between policy planning at the EU level and the reality on the ground. In order for EU conditionality targeting civil society to be effective it requires dedication to the European vision of civil society as well as proper control and accountability mechanisms to ensure that funding and other assets are not misused for different agendas. It is obviously not beneficial for civil society development to have uncorrupted formal institutions if the CSOs themselves are considered corrupted.

A significant part of this paper may have been dedicated to challenging Howard's approach to post-communist civil society strength but a question he posed in his paper cannot be ignored: "Does democracy still mean "rule by the people" if the people choose not to participate in ruling?". Democracy has grown to mean a lot more than the citizen's right to elect a number of representatives in a parliament every few years. It also means the ability to associate freely, the right to interest representation in the public level, the ability to monitor and hold a government accountable for its actions and to promote social and political change in general. All these are crucial functions provided by civil society and so far, it does not appear that the EU has managed to instill this vision in the Balkan people or their leaders. Of course, this is by no means a terminal situation. But changing it requires a new approach on behalf of the EU which has to redesign its conditionality towards combating the particular obstacles that prevent a vibrant Balkan civil society from rising.

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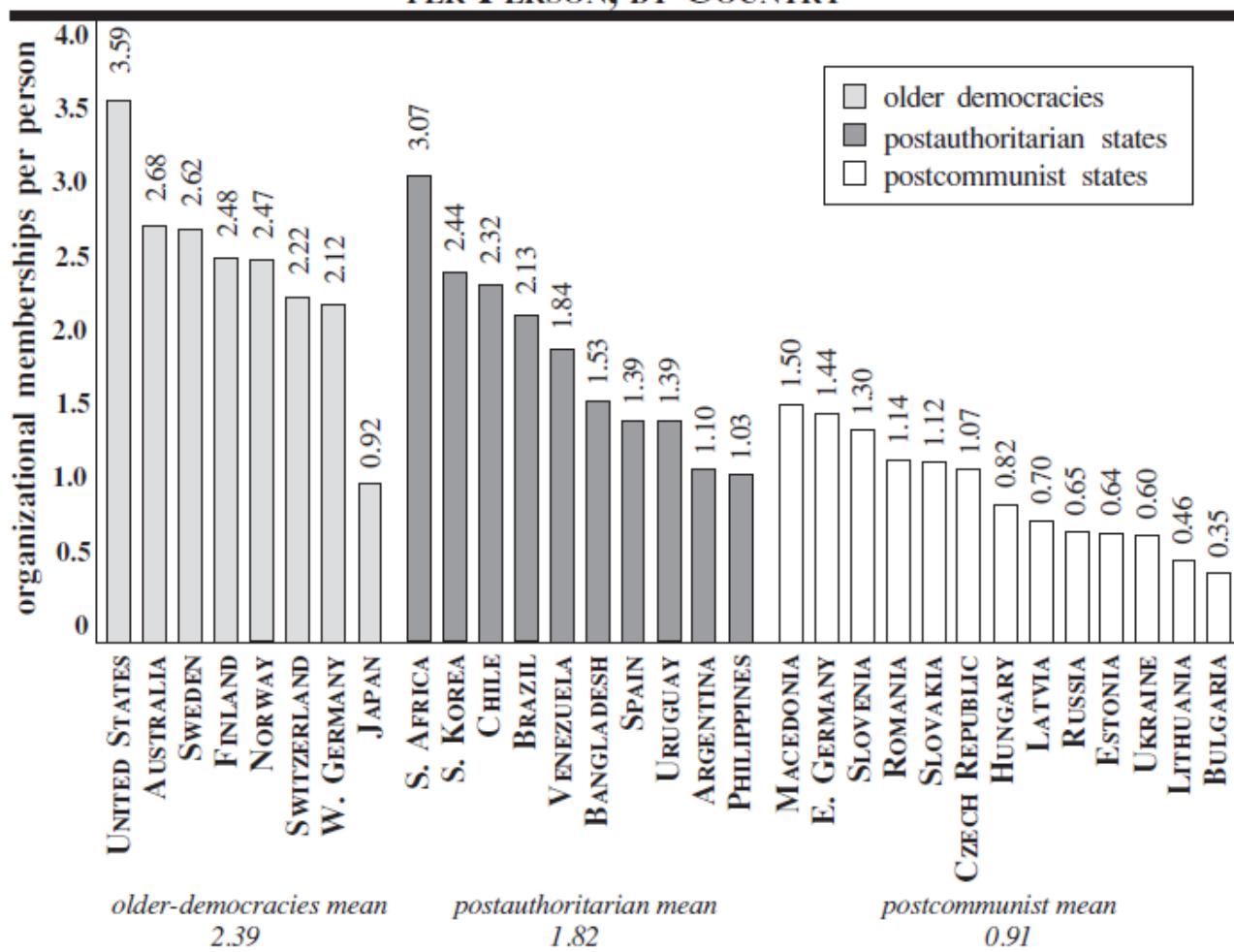
## APPENDIX

Table 1

*Marc Morjé Howard*

159

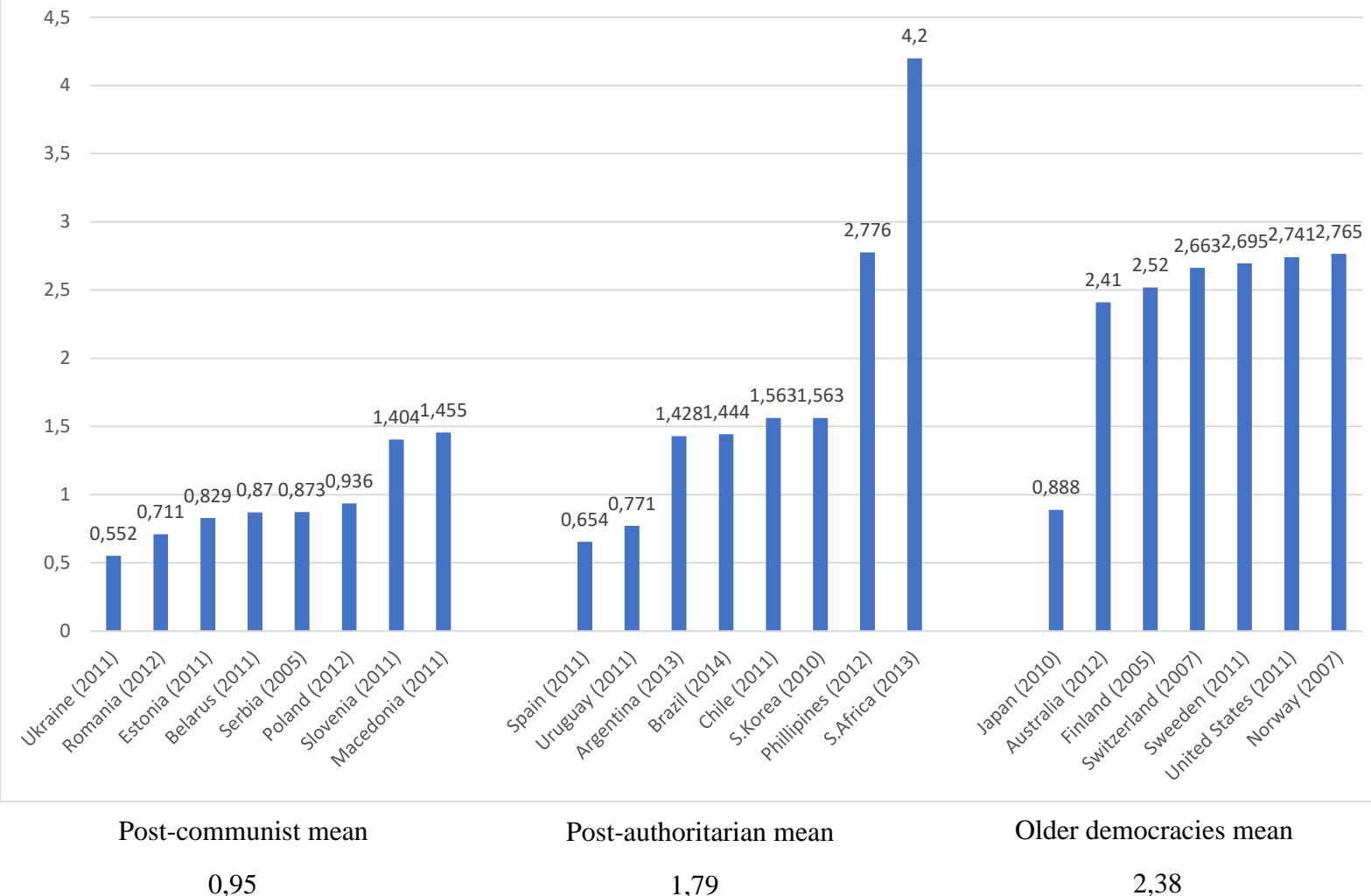
**FIGURE 1—AVERAGE NUMBER OF ORGANIZATIONAL MEMBERSHIPS PER PERSON, BY COUNTRY**



*Source:* 1995–97 World Values Survey.

**Table 2**

Average number of organizational memberships per person, by country



Post-communist mean

0,95

Post-authoritarian mean

1,79

Older democracies mean

2,38

Source: World Values Survey  
Wave 5 (2005-2009) and Wave  
6 (2010-2014)

**Table 3****Annex 1. Country Scores on Index of Civil Society's Strength**

Country	Score
Argentina	3.1
Azerbaijan	2.2
Bolivia	3.5
Bulgaria	3.3
Chile	4.1
China	2.8
Croatia	3.6
Cyprus (southern part)	3.2
Czech Republic	4.0
Ecuador	2.6
Egypt	2.7
Fiji	3.1
Georgia	3.1
Germany	4.3
Greece	3.0
Guatemala	3.0
Honduras	3.1
Indonesia	3.6
Italy	3.9
Lebanon	3.4
Macedonia	3.6
Mongolia	2.9
Montenegro	3.0
Nepal	3.3
Netherlands	4.2
Poland	3.3
Romania	3.2
Russia	2.6
Serbia	2.9
Sierra Leone	2.8
Slovenia	3.3
South Korea	3.9
Togo	2.4
Turkey	2.2
Uganda	3.7
Ukraine	3.6
Uruguay	2.9
Vietnam	3.3

Source: Bailer, Bodenstein,  
Heinrich (2009)