

**From Hierarchical to Horizontal Europeanization:  
Assessing Twinning and NGO Cooperation in Southeast Europe**

by

Graeme Crouch

B.A., Social Studies Education, Eastern Kentucky University, 2008

M.A., Political Science, University of Victoria, 2011

A Dissertation Submitted in Partial Fulfillment  
of the Requirements for the Degree of

DOCTOR OF PHILOSOPHY

in the Department of Political Science

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University of Victoria

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## **Supervisory Committee**

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## Abstract

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Despite deficient institutional practices, political resistance, and lagging public support for European Union (EU) membership, as well as the presence of two existential EU crises—the euro crisis and migration crisis—the states of Southeast Europe (SEE) continue to adapt their domestic policies, procedures, legislation, norms and values to the EU’s *acquis communautaire*—Europeanization. The Europeanization literature explains that such processes of adaption are induced by incentives, and informed by the (limited) ability of each state to negotiate its membership requirements. However, given the degree of political and institutional weakness in SEE, in addition to the EU’s current apathetic stance towards enlargement, this dissertation questions the explanatory power of traditional, hierarchical conceptualizations of Europeanization. It in turn investigates the extent to which the EU and Southeast European candidates (SEECs) have employed new, ‘horizontal’ mechanisms of Europeanization that rely on cooperation, learning, and the co-production of outputs to overcome the technical and strategic problems facing the candidates.

Very little work has acknowledged Europeanization outside of the traditional top-down-bottom-up dichotomy, and even less has attempted to specify and investigate the impact of these alternative mechanisms of Europeanization. To address this gap in the literature, this study traces incidents of civil servant cooperation (twinning) and Non-Governmental Organization (NGO) involvement in Croatia and Serbia, and assesses to what degree these mechanisms have helped Croatia and Serbia comply with the *acquis*. It argues that while the effectiveness of these mechanisms vary due to a number of factors, they have been vital to the accession processes of Croatia and Serbia. These mechanisms have helped align domestic and EU legislation, improved institutional procedures, fostered inter-ministry cooperation, updated policy frameworks, extended state programs to rural and minority populations, and encouraged more systematic public consultation, all of which have been deemed a necessary part of membership preparations.

More broadly, these findings suggest a shift in EU-candidate state relations, and demonstrate that a more diverse set of actors and mechanisms are active in Europeanization and governance processes. In candidate states, and indeed even in some member states with weak institutional capacities, tense political environments, and an uncertain public, mechanisms that rely solely on conditionality have varied in their ability to induce domestic compliance. This dissertation contends that horizontal mechanisms that rely on socialization instead of coercion, may present a worthwhile alternative.

## Table of Contents

Supervisory Committee .....	ii
Abstract .....	iii
Table of Contents .....	iv
List of Tables and Figures.....	vii
List of Abbreviations .....	viii
Acknowledgments.....	xi
Dedication .....	xii
Chapter 1: Introduction.....	1
1.1: Background.....	1
1.2: Argument .....	6
1.2.1: <i>Horizontal Europeanization</i> .....	7
1.3: Structure of Thesis .....	11
Chapter 2: Literature Review.....	14
2.1: Introduction.....	14
2.2: Integration or Europeanization?.....	16
2.3: Europeanization as a Process or an Outcome? .....	19
2.4: The Europeanization of Member vs. Candidate States.....	21
2.5: From the ‘Top-Down’ .....	23
2.6: From the ‘Bottom-Up’— A ‘Two-way’ process .....	29
2.7: Mechanisms of Europeanization.....	31
2.8: Chapter Conclusion.....	36
Chapter 3: Theory, Methods and Case Selection.....	39
3.1: Introduction.....	39
3.2: Theoretical Underpinnings .....	40
3.3: Research Design and Case Selection .....	48
3.4: Gathering Data and Establishing Causality .....	53
3.5: Reliability and Use of Data.....	60
3.6: Chapter Conclusion.....	62
Part 2: Twinning and NGO Cooperation in Croatia and Serbia .....	64
Chapter 4: Twinning .....	65
4.1: Introduction.....	65
4.2: Overview of Twinning.....	67
4.3: Twinning: Example Projects.....	73
4.3.1: <i>Croatia</i> .....	73
4.3.2: <i>Serbia</i> .....	78
4.3.3: <i>Beyond the Technical Side of Twinning</i> .....	81
4.4: Twinning: Key Considerations from the Cases .....	82
4.4.1: <i>Role Perception, Personalities, and Misunderstandings</i> .....	83
4.4.2: <i>Project Management</i> .....	84

4.4.3: <i>Political Will</i> .....	85
4.4.4: <i>Member State Commitment</i> .....	87
4.4.5: <i>Beneficiary Preparedness</i> .....	89
4.4.6: <i>Administrative Complexity</i> .....	90
4.5: <i>Twinning: Results Achieved</i> .....	91
4.6: <i>Chapter Conclusion</i> .....	97
Chapter 5: <i>NGOs and their Europeanization Potential</i> .....	102
5.1: <i>Introduction</i> .....	102
5.2: <i>Croatian and Serbian NGOs—A Brief History</i> .....	103
5.2.1: <i>Croatian NGOs</i> .....	104
5.2.2: <i>Serbian NGOs</i> .....	109
5.3: <i>Internal and External Obstacles</i> .....	112
5.3.1: <i>Croatia in Retrospect</i> .....	113
5.3.2: <i>Serbia: Current Challenges</i> .....	121
5.4: <i>‘Europeanization Potential’</i> .....	127
5.4.1: <i>Croatian NGOs in Action</i> .....	127
5.4.2: <i>Serbian NGOs: So Much Hope</i> .....	131
5.5: <i>Chapter Conclusion</i> .....	132
Part 3: <i>Implications and Conclusions</i> .....	135
Chapter 6: <i>So What? Implications for the Literature</i> .....	136
6.1: <i>Introduction</i> .....	136
6.2: <i>The Explanatory Power of Europeanization Revisited</i> .....	137
6.2.1: <i>Conceptual Clarity</i> .....	137
6.2.2: <i>Methodological Clarity</i> .....	141
6.3: <i>EU-Candidate State Relations and EU Governance</i> .....	142
6.3.1: <i>Reappraising Conditionality—Distinguishing between Motivation and Action</i> .....	142
6.3.2: <i>A New Mode of Governance or Adoption of ‘Good Governance’?</i> .....	145
6.4: <i>The Role of Civil Servants and NGOs</i> .....	148
6.4.1: <i>Civil Servants and Cooperation</i> .....	148
6.4.2: <i>The Evolving Role of NGOs</i> .....	151
6.6: <i>Windows of Opportunity and New Member States</i> .....	157
6.6.1: <i>Window of Opportunity: Candidacy</i> .....	157
6.6.2: <i>Backsliding and Partial Compliance</i> .....	160
6.6.3: <i>Extending the Window</i> .....	164
6.7: <i>Chapter Conclusion</i> .....	169
Chapter 7: <i>Conclusion</i> .....	172
7.1: <i>Introduction</i> .....	172
7.2: <i>Claims ‘in a Nutshell’</i> .....	173
7.3: <i>Limits to the Concept – Horizontal Europeanization in Review</i> .....	179
7.4: <i>Twinning to Win</i> .....	180
7.4.1: <i>Recommendation 1: Be Prepared</i> .....	181
7.4.2: <i>Recommendation 2: Improve Domestic and International Oversight</i> .....	182
7.4.3: <i>Recommendation 3: Domestic Buy-In Still Needs Improvement</i> .....	184
7.4.4: <i>Recommendation 4: Address the Individual Needs of the Beneficiaries</i> .....	186

7.4.5: <i>Twinning Conclusions</i> .....	188
7.5: Realizing the ‘Potential’: Paths Forward for Serbian NGOs .....	188
7.5.1: <i>EU Paths</i> .....	189
7.5.2: <i>NGO Paths</i> .....	190
7.5.3: <i>State Paths</i> .....	191
7.5.4: <i>Section Conclusion</i> .....	192
7.6: Concluding Remarks .....	193
Bibliography .....	196
Appendix 1: List of Interviewees .....	215
Appendix 2: Sample Interview Questions .....	219

## List of Tables and Figures

Figure 1: Direction of Europeanization (Causality).....	10
Table 1: Status of Relations between EU and Croatia/Serbia.....	52
Table 2: Number and Cost of Twinning Projects in Croatia and Serbia, 2001-Jan 2014.....	69

## List of Abbreviations

AERS	Serbian Energy Regulatory Agency ( <i>Arehunjia Ehepretnky Penybjinke Cpbnje</i> )
AO	Authorizing Officer
<i>Acquis</i>	<i>Acquis Communautaire</i>
BC	Beneficiary Country
CARDS	Community Assistance for Restructuring, Development, and Stabilization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEE	Central and Eastern Europe
CEECs	Central and Eastern European Candidates
CeSID	The Center for Free Elections and Democracy ( <i>Centar Za Slobodne Izbore I Demokratiju</i> )
CFCA	Croatian Central Contracting and Finance Agency ( <i>Središnja Agencija Za Financiranje I Ugovaranje</i> )
CHC	Croatian Helsinki Committee for Human Rights
CI	Civic Initiatives ( <i>Gradanske Inicijative</i> )
CMS	Centre for Peace Studies
Commission	European Commission
CSF	Civil Society Facility
CSOs	Civil Society Organizations
CVM	cooperation and verification mechanism
DG Enlargement	Directorate General for Enlargement
EC	European Community
ECPR	European Consortium for Political Research
EKU	Eastern Kentucky University
EOS	European Youth Centre Serbia ( <i>Evropski Omladinski Centar Srbija</i> )
EP	European Parliament
EU	European Union
EUI	European University Institute

EU ETS	EU Emission Trading System
GDP	Gross Domestic Product
GONG	Citizens Organized to Monitor Elections ( <i>Građani organizirano nadgledaju glasanje</i> )
HB	Croatian Block ( <i>Hrvatske Blok</i> )
HDZ	Croatian Democratic Union ( <i>Hrvatska Demokratska Zajednica</i> )
HV	Croatian Waters ( <i>Hrvatske vode</i> )
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFIs	international financial institutions
IMF	International Monetary Fund
IOs	International Organizations
IPA	Instrument for Pre-Accession Assistance
MEDEP	Serbian Ministry of Energy, Development and Environmental Protection ( <i>Ministarstvo Rudarstva I Energetike</i> )
MENCNS	German Ministry of Environment, Nature Protection, Building and Nuclear Safety ( <i>Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit</i> )
MRDFWM	Croatian Ministry of Regional Development, Forestry, and Water Management ( <i>Ministarstvo Regionalnog Razvoja, Šumarstva I Vodnoga Gospodarstva</i> )
MSSD	Most Similar Systems Design
MS	Member State
NATO	North Atlantic Treaty Organization
NFCSD	Croatian National Foundation for Civil Society Development ( <i>Nacionalna Zaklada za Razvoj Civilnoga Drustva</i> )
NGO	Non-Governmental Organization
NMS	New Member States
OSCE	Organization for Security and Co-operation in Europe
Parliament	European Parliament
PHARE	Poland and Hungary Assistance for Economic Restructuring Program ( <i>Pologne-Hongrie: Assistance à la Restructuration Economique</i> )
PL	Project Leader
REC	Regional Environmental Centre

RTA	Resident Twinning Advisor
SAA	Stability and Association Agreement
SDP	Social Democratic Party of Croatia ( <i>Socijaldemokratska partija Hrvatske</i> )
SEE	Southeast Europe
SEECs	Southeast European Candidates
SOCCS	Serbian Office for Cooperation with Civil Society ( <i>Канцеларија за сарадњу са цивилним друштвом</i> )
SSHRC	Social Sciences and Humanities Research Council
TACSO	Technical Assistance for Civil Society Organizations
TW	Twining
TWL	Twining Lite
UNECE	United National Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
USAID	United States Agency for International Development
UVIC	University of Victoria
UZUVRH	Croatian Government Office for Cooperation with NGOs ( <i>Ureda za udruge Vlade Republike Hrvatske</i> )
WFD	Water Framework Directive

## Acknowledgments

This dissertation is the culmination of nearly ten years of post-secondary education, through which I have had the opportunity to visit a number of incredible countries, speak to many fascinating people, and research at several outstanding institutions. As a result, the list of people and organizations I wish to thank is long.

I would like first to thank my teaching mentor, Mrs. Marilyn Williams for inspiring me as a young student at Eastern Kentucky University (EKU) to pursue a career in education. The wisdom that she imparted upon me will forever influence the person and academic I become. In the same vein I would like to thank all of the students and teachers at Madison Southern High School in Berea, Kentucky who I had the opportunity to know, educate, and learn from during my brief, but impactful tenure.

The University of Victoria (UVIC), its faculty, and its students have undoubtedly had an impact on my journey to this point. I had the privilege to attend UVIC as a Master's student, where I first developed and researched the ideas that would eventually come to serve as the foundation of this dissertation. During this period I also came to know my committee, Dr. Amy Verdun, Dr. Oliver Schmidtke, and Dr. Emmanuel Brunet-Jailly. Their feedback then was as impactful and helpful as it has been throughout my doctoral studies. For their support I owe my sincerest thanks. I would also like to thank Dr. Amy Verdun, my supervisor, for her moral, intellectual support, and material support through a SSHRC grant, without which this project would never have come to fruition. I would also like to thank Dr. Heather Grabbe for agreeing to serve as my external examiner. Her work is what initially inspired me to research Europeanization and the EU's candidate states.

I have had the unbelievable opportunity to study and research at some of Europe's top universities. My first research trip was in 2013 to the European University Institute (EUI) in Florence, Italy. Dr. László Bruszt was kind enough to support my research stay and provided invaluable initial feedback on my research design and focus. I also had the chance to research at the University of Leiden, Campus the Hague, under the supervision of Dr. Dimiter Toshkov and Dr. Antoaneta Dimitrova. Their feedback and comments on a much later version of my research helped translate my raw research into the finished project you find here. Most recently I have returned to the EUI to work as a research assistant for Dr. Brigid Laffan, Director of the EUI's Robert Schuman Centre for Advanced Studies. Dr. Laffan's material support, as well as her intellectual and professional guidance has been invaluable.

Last, but certainly not least, I would like to acknowledge the support of my closest friends and family. This dissertation has been both personally and professionally challenging. Throughout, the support of my parents, David Crouch and Lauren Reece, and my step-parents Connie Gibbs and John Reece has been unwavering. I would not be here without their support. The friendship of Dr. Ivan F. Dumka, has been both professionally and personally one of the best things to develop from this journey. Thank you my friend. I would also like to thank Ms. Natasha Wunsch, who provided me with sound feedback and advice throughout this journey. And last, to Jessica, whose love, support, and belief in me has made this journey all the easier.

## **Dedication**

To everyone who has played a part in this epic journey!

## Chapter 1: Introduction

*...the Union and our citizens now need to digest the addition of 13 Member States in the past ten years. The EU needs to take a break from enlargement so that we can consolidate what has been achieved among the 28. This is why, under my Presidency of the Commission, ongoing negotiations will continue, and notably the Western Balkans will need to keep a European perspective, but no further enlargement will take place over the next five years.* (Juncker, 2014)

EU Commission President Jean-Claude Juncker

### 1.1: Background

European Union (EU) membership for the former-Yugoslav countries of Southeast Europe (SEE) is at a cross-roads. On the surface the EU seems committed to the promises made in 2003 at the EU-Western Balkans Summit in Thessaloniki. Croatia was welcomed as the 28<sup>th</sup> member in July 2013, Serbia opened negotiations in January 2014, and Albania attained candidacy status in June 2014, leaving only Kosovo and Bosnia-Herzegovina without candidacy status. At the domestic level the states have routinely professed their EU aspirations and appear, at least rhetorically, committed to implementing the necessary reforms. However, if European Commission ('Commission') President Jean-Claude Juncker's July 2014 speech to the European Parliament (EP) is any indication, then EU membership may be 'frozen' at 28 – or at least for the length of the current term of the Commission President. Similarly, the Commission's 2014-2015 Enlargement Strategy gave little indication that further enlargement was imminent. In order to understand this complex situation we must first understand a little bit more about the context of SEE integration.

The prospect of an SEE enlargement has been hampered by the persistence of the Eurozone crisis and emergence of a migrant crisis. At the EU-level, momentum for enlargement has been replaced by a predation for introspection—a 'deepening' rather than 'widening' (see Juncker, 2014). The EU and its member states have developed a number of innovative

institutional responses to the financial crisis (Verdun, 2015) and the Union's plan for the migrant crisis remains fluid. As a result of the crises and the EU's justifiably singular focus on developing solutions to the crises, negotiations with the Southeast European candidates (SEECs) have slowed. Indeed, Bechev (2012) noted that SEE had been effectively demoted to 'the periphery of the periphery'. At the same time the crises have also made it difficult for the EU to justify the political and economic obligations embodied by the enlargement *acquis*. Schimmelfennig and Sedelmeier (2004) explain that in order for the proverbial 'carrot-and-stick' or 'conditionality' principle to encourage EU-rule adoption the carrot must be sufficiently large. It is unclear whether membership to a floundering EU still represents a big enough reward to overcome domestic political and social barriers.

A similar acknowledgment of the domestic condition of the candidates and potential candidates from SEE is necessary. For politicians in SEE it has become increasingly difficult to defend EU-required reforms and seek re-election. As the Eurozone crisis continues citizens and politicians alike have questioned the legitimacy and value of EU membership. Recent public opinion polls reveal that support for EU membership has fallen across the Western Balkans (Toshkov, Kortenska, Dimitrova, and Fagan, 2014). These nations also still struggle to meet the basic demands of modern functioning states. On the eve of accession Croatia—the most developed SEE state<sup>1</sup>—was cited by the EU for deficient administrative practices and suspect institutional capacities (European Commission, 2012a: 4-5,8,15-17). This assessment is particularly alarming because as the newest EU member, Croatia, would appear to be the most reformed SEE country. To varying degrees, similar administrative incapacities and deficient institutional practices beleaguer all SEECs. Communication is difficult, institutional isolation

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<sup>1</sup> Evaluation based on growth in GDP per capita from 1995-2015 as documented by Eurostat (2015).

common, bureaucratic turnover endemic, and budgetary constraints an everyday reality. Yet ideas such as Schimmelfennig and Sedelmeier's (2004) 'external incentive' model suggest that the reward of EU membership and financial aid, if large enough, should trump these deficiencies. However, a reward by itself, no matter how large, must be accompanied by concrete plans to address the institutional and administrative problems that limit a candidate's ability to manage the *acquis*. The issue for the SEECs is not the size of the reward nor the desire to join the EU, but rather an inability to meet the obligations that come with candidacy.

This project acknowledges the significance of EU affairs while not ignoring the importance of domestic contexts when considering the integration of SEE. It sets out to investigate the mechanisms employed to help these new candidates overcome their flawed institutional arrangements and underdeveloped administrative capacities. We must first however understand what the EU integration of SEE is not: a replication of the 'big bang' enlargement of 2004/2007.

In the early 1990s the EU began its most geographically ambitious and administratively arduous enlargement attempt. Of the 12 new member states (NMS) admitted in 2004 and 2007, ten were post-communist countries having recently gained independence from the Soviet Union (Estonia, Latvia, and Lithuania), its puppet states (Poland, Hungary, Czech Republic, Romania, Bulgaria and Slovakia), or Yugoslavia (Slovenia). These countries presented a unique challenge for the EU's enlargement project as the political and economic transformation required from these candidates was without precedent. To 'return to Europe' the Central and Eastern European candidates (CEECs) took on the task of transitioning from authoritarian regimes and command economies to liberal democracies and market economies acceptable to Western Europe (Grabbe and Hughes, 1999: 189). Power asymmetries were evident from the beginning as the EU

possessed all the benefits (membership, trade, aid), with very little to justify further enlargement. The EU also lacked consensus among its members on the prospect of future enlargement, making it especially difficult to discuss (Grabbe, 2006). The candidates possessed infant economies and outdated administrative practices incompatible with the EU's membership standard. However, these countries also had the political will to put aside short-term costs in favor of the long-term benefits of EU membership. What resulted was an unprecedented willingness from the candidates to make the difficult and costly reforms necessary for EU membership.

Although the CEECs of the 5<sup>th</sup> and 6<sup>th</sup> enlargement possessed legacies of state socialism similar to the former-Yugoslav candidates a closer look at the preparedness of the latter reveal crucial differences that make their integration increasingly more complex. As Taylor, Geddes, and Lees (2013) pointed out the integration of SEE differs from the CEECs because of the deeper degree of political and administrative weakness present in SEE. Fagan (2010: 3) added that ethno-nationalism, war during the 1990s, and limited experience of sovereignty and 'stateness' make the comparison even more challenging. Although they gained independence within a few years of their SEE contemporaries the CEECs possessed more mature institutional arrangements, characterized by more efficient administrative practices and interagency cooperation. External conflicts, prolonged infighting, and residual political uncertainty in SEE delayed their development of the necessary institutional and political capacities to provide basic social services, let alone to manage the enlargement *acquis*. Thus, while the CEECs and SEE candidates began from similar positions, lacking the established democracies and market economies of their Western European counterparts, the unique political and social environments, interests, and motivations of each set of candidates are worth noting (Fagan and Sircar, 2015).

The EU's approach to SEE has also fundamentally differed from its approach to CEE. Unlike its contact with CEE, the EU's contact with SEE began tentatively with efforts to stabilize the region and provide humanitarian assistance—often termed the 'regional approach' (Jano, 2008: 144). Whereas the EU played an active role in the institutional development of the CEECs through its Poland and Hungary Assistance for Economic Restructuring Program (PHARE), similar financial and technical assistance in SEE primarily targeted conflict prevention and humanitarian relief (Dimitrova, 2003: 13). In the wake of the collapse of Yugoslavia the EU was content to keep SEE and its problems at arm's length (Jano, 2008: 143). Only after the Kosovo Crisis in 1999 did the EU begin to consider itself partly responsible for stability in SEE, and begin to approach the region as it had CEE.

One explanation for the EU's differentiated approach is that the candidates of SEE did not correspond with the EU's notion of 'European'. Demetropoulou (2002: 88) explained that during the late 1990s the Balkans were commonly viewed as a 'primitive and uncivilized' land with 'backward, underdeveloped and inward oriented' economies. These derogatory perspectives represented the popular belief that the social, cultural, political, legal, and historical characteristics of the SEECs made them unlike their Western European counterparts. As its reliance on the regional approach during the late 1990s suggests the EU was undoubtedly wary of the shifting and often turbulent politics that characterized SEE. The perceived 'backwardness' of the SEECs would seemingly explain why so few have made it through EU candidacy.

An alternative explanation, one this project advances, suggests that the EU's approach towards the SEECs is informed by its experiences with fledgling democracies and immature economies. The CEECs introduced the EU to many of the political and social challenges that it faces in the candidates of SEE. However, deficient institutional practices, political resistance, an

underdeveloped civil society, and public Euroskepticism make the Europeanization and integration of SEE a unique exercise. With the EU facing a set of crises themselves the Europeanization process has had to become more sophisticated. Domestic adaptation is still occurring, this dissertation investigates *how* it occurs and *who* is involved.

## **1.2: Argument**

Fagan and Sincar (2015: 3) claimed that ‘political scientists interested in understanding Europeanization via enlargement’ are compelled to ask ‘when Europeanization does deliver change, why does it happen, how does it happen, and which actors and institutions are critical?’ Using their claim as a starting point and taking into respect broader EU problems and the unique domestic context of each SEEC this dissertation asks the following research questions:

1. *To what degree do commonly held understandings of ‘top-down’ and ‘bottom-up’ Europeanization still explain how EU legislation, policy, norms and understandings become a part of the domestic logics of its candidates?*
2. *To what extent have new, horizontal, modes of Europeanization that emphasize cooperation and the exchange of knowledge been employed in SEE?*
3. *How effective have these new modes been at improving the candidates’ compliance with the enlargement acquis?*
4. *Have non-governmental organizations (NGO) developed the capacities and will to participate in reform processes and utilize their ‘Europeanizing’ potential?*

The literature has generally concluded that the Europeanization of EU candidate states occurs through processes of ‘downloading’ EU policy into national polities, and to a limited extent, by candidates ‘uploading’ national preferences to the EU level (Grabbe 2006: 4; Elbasani, 2013). The power asymmetries present in EU-candidate relations has meant that candidates do more ‘downloading’ than ‘uploading’ (Grabbe, 2006; Elbasani, 2013). However, the extent to which these popular understandings of the Europeanization process still explain the increasingly

complex process of integrating EU policies into domestic systems is questionable. Crucially, the ‘top-down’ approach to Europeanization that emphasizes downloading and the use of conditionality, can only partially explain the Europeanization of EU candidates (Grabbe, 2006; Noutcheva, 2012; Elbasani, 2013; Fagan and Sircar, 2015). In many of the SEECs, deficient institutional practices, political resistance, and weak public support challenge their ability to make substantive reforms, regardless of potential rewards. Moreover, the type of policy ‘uploading’ that bottom-up explanations stress varies widely depending on the individual candidate’s negotiation power vis-à-vis the EU.

This dissertation claims that the traditional ‘top-down-bottom-up’ dichotomy used to explain the Europeanization process presents an empirically and conceptually incomplete image of the process. In order to compliment the literature and update our understanding of Europeanization this dissertation highlights the application of ‘horizontal’ modes of Europeanization that involve actors, interactions, and mechanisms not currently acknowledged by the literature.

### *1.2.1: Horizontal Europeanization*

Although the literature has long understood that the Europeanization process involves a diverse set of actors, scholars have most often concluded that Europeanization is a fundamentally elite-centered, hierarchical process, involving the EU and member and/or candidate state governments (Hix and Goetz, 2000; Cowles, Caporaso, and Risse, 2001; Börzel, 2002; 2003; Featherstone and Risse, 2003). Few scholars have sought to look outside of this hierarchical process and debate the role of other influential actors. Howell (2004: 5) addressed what he called ‘horizontal transfer’ that ‘incorporates learning from and assimilating other member state policies without EU involvement’. Although he found it problematic that Europeanization could

occur without an inherent EU component, he recognized that domestic conditions were influenced by forces outside of the oft proposed hierarchical system of Europeanization. Radaelli (2003: 31) admitted that Europeanization may occur without a ‘rational layer of EU decisions’, further elaborating that ‘Europeanization can be both vertical...and horizontal’ (Radaelli, 2004: 11). Radaelli and Pasquier (2007: 37) explained that ‘horizontal processes of cooperation’ and socialization impact European ideational norms and understandings. Bulmer (2007: 51) explicitly stated that ‘an understanding of the EU in terms of domestic actors sharing good practice suggests other, more horizontal, mechanisms of Europeanization.’ Yet, none of the authors spent time elaborating on the concept of horizontal Europeanization, analyzing its effects, or extending the notion of horizontal influence beyond EU borders. This is problematic because they overlook the proliferation of transgovernmental cooperation<sup>2</sup> and NGO activity in policy sectors where the EU and candidate states have clear incompatibilities.

Horizontal Europeanization—defined as the incorporation of formal and informal EU requirements and norms into the domestic structures and practices of member, candidate, and third states by way of civil servant cooperation and NGO involvement<sup>3</sup>—recognizes the exchange of institutional ‘best practices’ and policy alternatives between sub-governmental units from member, candidate and potential candidate states. It also acknowledges the linkages between NGOs, state and supranational actors. An investigation of these horizontal mechanisms of Europeanization is critical to understanding *how* membership-required policy reforms are developed; *who* develops them; and to *what* end.

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<sup>2</sup> Transgovernmental refers to ‘cross-boundary relations among sub-units of national governments in the absence of centralized decisions by state executives’ (Risse, 1996: 58).

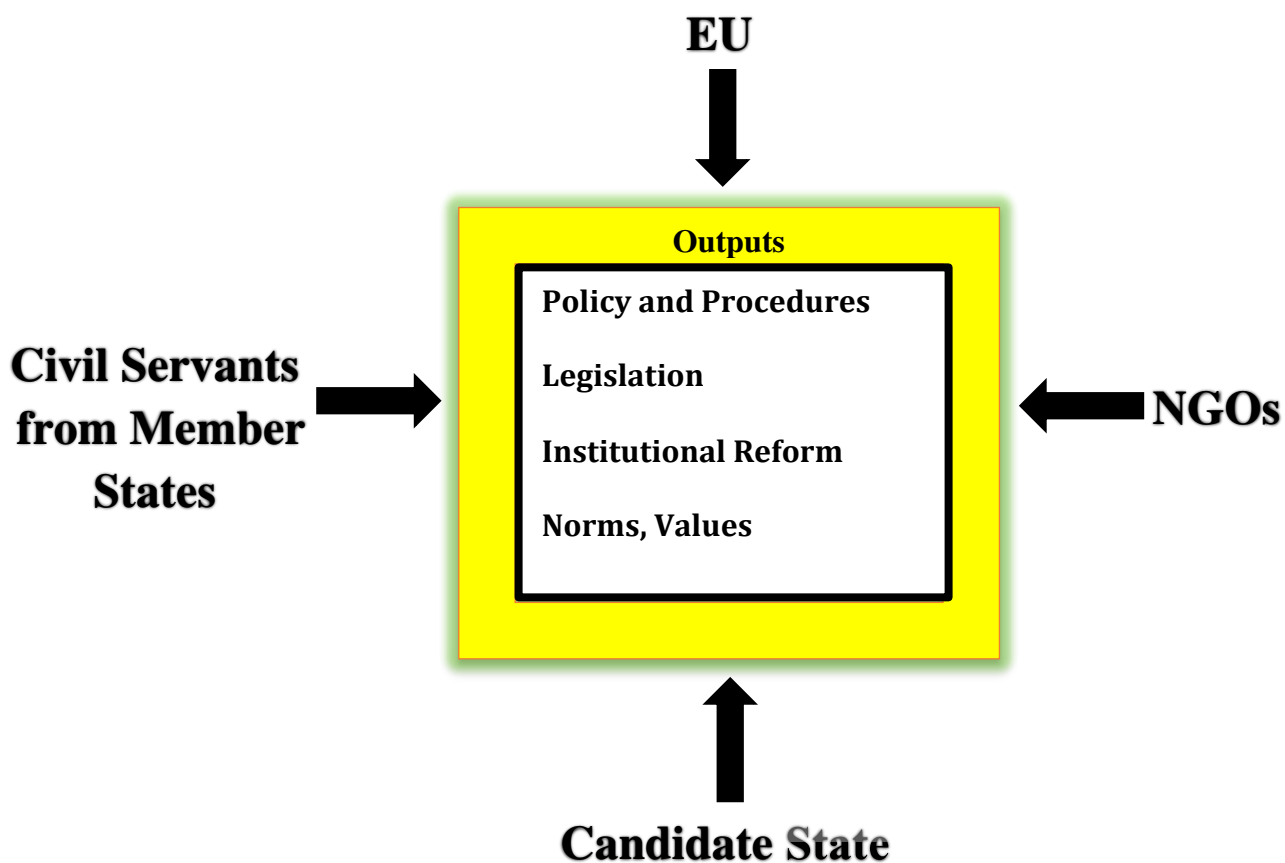
<sup>3</sup> It is possible to extend the definition to include corporations, business associations, academics, and other non-state forces. However, this dissertation focuses on civil servant cooperation (twinning) and NGOs, thus the definition was purposely constrained.

Horizontal Europeanization understands institutional action to be informed by norms and values, as well as internal and external incentives. It rejects Schimmelfennig and Sedelmeier's (2004) conclusion that external incentives ultimately explain rule adoption, preferring to investigate rule adoption as the result of political socialization, or what Schimmelfennig and Sedelmeier labeled the 'social learning model'. The Europeanization process necessarily entails convincing decision-makers of the appropriateness and legitimacy of the EU and the requirements to become a member. In the case of SEECs, the *acquis* and other EU directives often require them to develop policies, legislation, and procedures in areas where there had not previously been any formal system of control. In this regard the socialization process not only legitimizes EU platforms but provides the basic knowledge from which decision-makers can begin forming policy solutions. It is where this basic knowledge is lacking that civil servant and NGO cooperation are important, and indeed, necessary for Europeanization to occur.

To understand fully the concept it is important to decouple 'horizontal' from Europeanization. For all the approaches—top-down, bottom-up, and horizontal—the concept of Europeanization remains the same, i.e. the adaptation of domestic processes to EU norms, values, legislation, and etc. The prefixes stress a differentiation in the process and actors involved in Europeanization, or what Ladrech (2010: 3) calls the 'direction of causality'. By including the prefix 'horizontal' I mean to emphasize the 'direction' of influence. Put differently, the process of horizontal Europeanization emphasizes action below elite-level negotiations that more top-down understandings postulate, and outside the state-dominated, organic process 'bottom-up' Europeanization emphasizes. While compliance with EU standards—set very much at the 'top'—remains the purpose of horizontal Europeanization influence emanates from the

top, bottom, as well as horizontally from this two-way process. Figure 1 below presents this claim in graphic form.

Figure 1: Direction of Europeanization (Causality)



The EU's position of power vis-à-vis the candidates is not ignored by the concept of horizontal Europeanization, but rather incorporated into a more sophisticated understanding of the actors and processes involved. The *acquis communautaire*, as well as the wealth of EU assessments, reports, and opinions leave little doubt that the EU plays an important agenda-setting function. Moreover, EU aid represents a significant funding stream available to candidate and potential candidate states. However, the EU's role is much more complex than simply setting and downloading a package of requirements. The EU also acts as a facilitator; an actor that provides an environment where actors interact and exchange experiential knowledge,

preferences, paradigms, etc., but where it does not formally steer these exchanges. In this way the EU may be most influential because it provides the platform for Europeanization to occur.

This dissertation does not claim that horizontal Europeanization is more prominent or effective than either top-down or bottom-up Europeanization. Similar to acts of coercion—top-down—or manipulation—bottom-up—acts of cooperation and knowledge exchange face obstacles. As a result, the quality of policy, legislation, and procedure produced by horizontal Europeanization is not *de facto* better or more sustainable than those produced by other forms of Europeanization. Political uncertainty, public opinion, and resource shortages equally impact the likelihood that horizontal mechanisms result in effective and sustainable *acquis*-related reforms. However, the mechanisms of horizontal Europeanization cannot be ignored. Indeed, to understand fully the nature of domestic compliance within the context of enlargement fatigue, and when dealing with politically turbulent and administratively disorganized candidates, it is crucial to explore these horizontal mechanisms.

### **1.3: Structure of Thesis**

The remainder of this dissertation is organized into five substantive chapters and a conclusion. Chapter II, ‘Literature Review’ outlines the development of the field on Europeanization, discussing the main debates that have defined the literature thus far. The purpose of this chapter is to discuss what Europeanization is, and what it is not, and crucially, to investigate how the literature has shaped the concept overtime. This chapter takes time to defend the inclusion of ‘horizontal Europeanization’ in the broader literature. It links the notions of transgovernmental cooperation and NGO participation to the concept of Europeanization, referencing the usage of these alternative modes of interaction during the accession of Croatia and Serbia.

In Chapter III, 'Theory, Methods, and Case Selection' the theoretical underpinnings and methods used in this research are explored. It engages with the debate between rationalist and social constructivists on political decision-making, compliance, and actor interaction, suggesting a re-evaluation of social constructivist models. The issue of causality in Europeanization research, and the conceptual and methodological ways to confront it, are addressed. The chapter justifies the case selection of Serbia and Croatia. It looks at the domestic context of each case and explore the brief history of their relationship with the EU. The experiences of each case are discussed, highlighting their similarities and difference. Crucially, the chapter highlights the use of alternative modes of influence, specifically mechanisms that rely on sub-government actors and NGOs. By discussing the domestic condition of each case this chapter shows why the EU has chosen to rely on these horizontal mechanisms of Europeanization.

Chapter IV, 'Twinning', discusses the origins of the twinning initiative and outline its extensive usage in Croatia and Serbia. It presents research on a set of twinning projects from each case, outlining the justification for each project, their goals, procedures, funding and outcomes. Based on secondary research and interviews with project participants some key considerations are offered. The significance of role perception and personality; project management skills; political will; commitment levels; institutional preparedness; and administrative requirements are highlighted. The chapter concludes with a discussion on the influence of twinning projects and an appraisal of their most important outcomes.

Similarly, Chapter V, 'NGOs', investigates the historic development of the NGO sector in Serbia and Croatia, and discusses their participation in policy-making and implementation processes during Croatian and Serbian accession. Croatia has a significantly more developed civil society and the relationship between government and NGOs are much more formalized than

their Serbian counterparts. Can this difference be traced to EU initiatives and how have the relationships changed between NGOs and the state? Although Serbia possess a similar legacy of non-existent NGO participation they have only recently become an EU candidate and thus EU pressure to improve state-NGO relations is much newer. As a result, the chapter also discusses the issues (internal and external) faced by Croatian and Serbian NGOs. In light of these difficulties the ‘Europeanization potential’ of NGOs is discussed.

Chapter VI, ‘Implications for the Literature, brings together the analyses of twinning and NGOs and contextualizes them in the literature on Europeanization, conditionality, governance, and the role of civil servants and NGOs in defining domestic outcomes. It argues the conceptual relevance of ‘horizontal Europeanization’ based on the findings and recommends a key conceptual and methodological distinction. It carefully considers the implications of horizontal Europeanization for the future of European public policy-making and EU-candidate relations. The aim is to present a reconceptualization of how Europeanization occurs and a renewed focus on the mechanisms used to promote domestic compliance during accession. It also discusses instances of backsliding and partial compliance in the NMS and suggests that extending the ‘window of opportunity’ through which horizontal mechanisms of Europeanization can be used may represent a worthwhile alternative to conditionality-based solutions.

Chapter VII, the ‘Conclusion’ reflects on the contributions of this project and the state of twinning and NGO-state cooperation. It draws conclusions from the state of each mechanism and presents ways in which these horizontal mechanisms of Europeanization can be improved to facilitate a quick, more efficient process of reform and accession.

## Chapter 2: Literature Review

### 2.1: Introduction

This chapter traces the progression of Europeanization research over the last twenty years, placed in the context of the European integration literature since the late 1950s, and provides a rationale for researching the influence of horizontal modes of Europeanization. It argues that re-examining the conceptual underpinnings of this subfield is crucial to academic explorations of EU-candidate relations in Southeast Europe. Semi-authoritarian regimes, significant Euroskepticism, and deficient institutional and procedural arrangements characterize many of these candidates. Yet, EU membership remains a key foreign policy objective and processes of domestic adaptation to the EU *acquis* continue. This dissertation explores the EU's employment of alternative mechanisms of Europeanization that complement its usage of conditionality and stress voluntary cooperation, the exchange of experiential knowledge, and the involvement of a more diverse group of stakeholders. It engages with the current body of Europeanization literature, arguing that traditional notions of Europeanization, presented as a combination of 'top-down' and 'bottom-up' processes, are unable to explain fully the processes of domestic adaptation in SEE. This dissertation seeks to provide a more conceptually complete rendering of the process of Europeanization that acknowledges the role of civil servant cooperation (twinning) and NGOs. First, however, a survey of the current state of Europeanization research is needed.

This dissertation is informed by a series of key debates and distinctions made in the Europeanization literature. Initially scholars struggled to distinguish Europeanization from mainstream European integration theories (Cowles, Caporaso, and Risse, 2001). The literature

focused on developments at the supranational level and the transference of state functions to the EU. An important analytical shift was made when the literature began to treat the EU as an independent variable, capable of influencing domestic reforms. This dissertation continues with the latter understanding, but suggests also that compliance with EU norms, values, legislation, and policy can be facilitated by more than just EU-level actors. Thus it treats mechanisms of Europeanization, rather than the EU itself, as independent variables.

Another key debate saw one group of scholars present Europeanization as an *outcome* of European integration, where domestic policies, legislation, and procedures are more or less ‘Europeanized’ to be consistent with EU regulations (Hix and Goetz, 2000, Buller and Gamble, 2002). Another group insisted Europeanization was a *process* by which principles of EU governance are translated and converted into existing systems of domestic policy-making (Ladrech, 1994; Börzel, 1999; Goetz, 2002; Schimmelfennig and Sedelmeier, 2005; Radaelli, 2012). This dissertation follows a procedural understanding of Europeanization and investigates the actors involved and mechanisms used to impact the domestic compliance of EU candidate states.

A distinction made by more recent scholarship has been the difference between the Europeanization of member states and the Europeanization of candidate states (Grabbe, 2006; Sedelmeier, 2011). It is clear now that the power asymmetry between the EU and its candidates make the Europeanization of candidate states fundamentally different from similar processes between the EU and its members. This dissertation goes a step further by saying that the current group of EU candidates from SEE differ even from the CEECs that informed much of this strand of literature. Legacies of ethno-nationalist conflict, deficient institutional arrangements, and an

underdeveloped public administration make the analysis of the SEECs a unique contribution to the literature (see Fagan, 2010 for a similar argument).

Most importantly this dissertation engages with debates on the ‘direction of causality’; whether Europeanization takes on a ‘top-down’, ‘bottom-up’, or ‘horizontal’ dimension and the extent in which each is able to explain processes of domestic adaptation (Ladrech, 2010: 3). This dissertation’s contribution to these debates is rooted in its broader acknowledgement of the actors involved and mechanisms used in processes of domestic adaptation. It argues that the complexities of the Europeanization process in SEE cannot be reduced to a ‘two-way’ explanation centered on EU coercive power on the one hand, and domestic contestation on the other. It advocates the inclusion of a horizontal understanding of Europeanization that acknowledges the influence of civil servant cooperation and the importance of NGO-state cooperation.

The rest of this chapter proceeds with a deeper discussion of these key debates and asks us to reconsider *who* is involved in the Europeanization process; *what* mechanisms they employ; and *how* they contribute to *acquis* compliance in EU candidates. The chapter is organized into the following sections: (2) Integration or Europeanization, (3) Europeanization as a Process or Outcome, (4) The Europeanization of Member vs. Candidate States, (5) From the ‘Top-Down’, (6) From the ‘Bottom-up’—A ‘Two-way’ Process, (7) Mechanisms of Europeanization, and (8) Conclusion.

## **2.2: Integration or Europeanization?**

Haas (1958: 16) defined political integration as a process whereby political actors in national jurisdictions are convinced to ‘shift their loyalties, expectations, and political activities toward a new centre’, resulting in the creation of ‘a new political community, superimposed over

the pre-existing ones'. Subsequent work by Lindberg (1963), Haas (1968) and Schmitter and Niemann (2009) defended this neo-functionalist understanding of integration and saw deeper sectoral integration as a consequence of shifts of authority to supranational institutions. Meanwhile, Hoffmann (1966) and Moravcsik (1998) rejected neo-functionalist understandings and stressed the importance of national calculations and economic bargaining as impetuses for European integration. Still others such as Pentland (1973) and Stone Sweet and Sandholtz (1997) offered commentary on this seminal debate and added their own unique understanding of European integration.

Olsen (2002) noted that the early Europeanization literature was ripe with definitional ambiguity and failed to distinguish itself sufficiently from larger debates about European integration. The Europeanization literature struggled to determine whether the unit of analysis should be at the European level, i.e. the process of institution-building and political integration, or on the domestic level, where nations were increasingly influenced by changes at the EU level. In his analysis of airline policy Lawton (1999: 92) contended that Europeanization involved the 'transference of sovereignty from the national to the European Union'. Knill and Lehmkuhl (1999) foreshadowed more contemporary understandings of Europeanization by investigating the domestic impacts of European integration. However, they further complicated discussions about Europeanization by arranging their typology of domestic responses around different types of integration. Perhaps the most well-known example of Europeanization as integration was offered by Cowles *et al.* (2001: 3), who presented Europeanization as:

The emergence and development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem-solving that formalise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules.

Europeanization is conceptualized as the creation of a new European institutional center where ‘new layers of politics’ are tasked with dealing with individual political environments within Europe and throughout the world. Their analytical focus built upon similar work by Andersen and Eliassen (1993) and Mény, Muller, and Quermonne (1996) that looked at the ways supranational politics could, and indeed did, challenge the political and functional status of nation states. Interestingly however, while the dependent variable of their study was the impact of European institutions on domestic institutions, the conceptualization of Europeanization presented by Cowles *et al.* did not mirror their analytical focus. In the same edited volume Checkel (2001a: 180) defined Europeanization similarly as ‘the development of new norms regarding citizenship and membership at the European level’. Yet, these perceptions of Europeanization provide a substantially different research agenda, better labeled ‘Europification’ (Andersen and Eliassen, 1993: 256) or ‘integration’ because of its emphasis on politicizing Europe.

Radaelli (2000: 6) contextualized this debate nicely by describing it as ontological vs. post-ontological research. He contended that the literature on political integration belonged to the ontological stage of research, in that they were more concerned with why countries cooperate and develop supranational institutions (*ibid*). In contrast, Europeanization is post-ontological, accepting that integration occurred and focusing on the domestic impact that resulted (Radaelli, 2003: 33). It is this latter post-ontological perspective that has dominated the more recent debates on Europeanization. Hix and Goetz (2000: 23) recommended that to move the discipline forward ‘more sustained efforts at examining the domestic political effects of integration’ was needed. ‘Bringing the domestic back in’ as Buller and Gamble (2002: 9) termed it was an important

analytical shift for the Europeanization literature, and one that represented its conceptual departure from European integration theory.

### **2.3: Europeanization as a Process or an Outcome?**

Sartori (1970) called on political scientists to be aware of the assumptions and implications inherent in the concepts we develop. While seemingly an issue of semantics, the debate on whether to treat Europeanization as a process or as an outcome has significantly impacted how the concept developed, and more importantly, how it has been studied. Hix and Goetz (2000) focused on domestic political adaptation to the processes of European integration and treated Europeanization as the ‘domestic effect’. While Europeanization is treated as an outcome they stress the need to study the procedural characteristics of Europeanization (Hix and Goetz, 2000: 23).

Buller and Gamble (2002: 17) rejected the notion of Europeanization as a ‘process’, preferring to treat it as a ‘situation where distinct modes of European governance have transformed aspects of domestic politics. Their qualm with analyzing Europeanization as a process was essentially a methodological one. The authors were unsure how Europeanization as a process could be proved, if the state of being ‘Europeanized’ was not first defined (ibid: 14-15). By defining Europeanization as a situation, Buller and Gamble believed that it could be observed as an empirical event and that it would encourage scholars to think ‘explicitly about what Europeanization is’ (ibid: 17). While their emphasis helped steer the literature towards an exploration of the outcomes of processes of domestic adaptation, the authors do little to explain *how* the Europeanized ‘situation’ comes about. There is no discussion of causality and the reader is left wondering how European governance transforms domestic politics.

Similarly, Howell (2004: 5) conceptualizes Europeanization in terms of three interrelated ‘situations’: (1) downloading, (2) uploading, and (3) policy transfer. His use of the term situation is problematic because each situation is defined in procedural terms. In other words, Howell uses the term situation to encompass processes that in some way affect domestic environments. He does not investigate the outcomes of Europeanization but rather the processes that lead to domestic adaptation to EU rules and regulations, i.e. the process of Europeanization.

Liefferink and Jordon (2005: 104) claimed that Europeanization is *caused* by European integration. In their study on the convergence of environmental policy in the EU, they present Europeanization as an outcome, of which convergence is one particular form. They discuss the ‘introduction of new’ policies and the ‘adaptation of existing environmental standards’, even mentioning the ‘top down’ effect of the EU, but do not equate these processes to Europeanization. The utility of the term is questionable when employed in such a manner. It lacks substance, being used synonymously with EU influence, EU impact, or in this case the presence (or lack of) convergence. Moreover, Liefferink and Jordan’s understanding of causation ignores instances where Europeanization processes occur without an explicit integration project.

Presenting Europeanization as a ‘situation’ or ‘outcome’ that is either present or absent provides little insight into the ways the EU interacts with its members and candidates. It oversimplifies processes of domestic adaptation that undoubtedly involve a number of actors, employing a number of mechanisms of change. This dissertation rejects the outcome-focused notion and advances a procedural understanding of Europeanization. By treating it in such a manner Europeanization can be analyzed over time and space, and the complexity of its application rendered in a more complete manner. Europeanization encompasses the processes by which domestic politics, policies, procedures, institutions, norms, and values are adapted to

comply with EU regulations. The actors involved, instruments used, and relevant contexts are numerous and, contrary to the fears of Radaelli (2000), expanding the concept to include these elements is not conceptual stretching but rather conceptual completeness.

#### **2.4: The Europeanization of Member vs. Candidate States**

Prior to 2004, most of the studies on Europeanization looked exclusively at those states that had already joined the EU (Goetz, 2000; Radaelli, 2000; Grabbe, 2001). Grabbe (2006: 4) suggested that scholars look outside the EU's borders and argued that the candidates of CEE were inherently affected by the same independent variable as member states—the *acquis communautaire*—and thus Europeanization could also be used to explain their domestic compliance. However, power asymmetries and membership uncertainty made the analysis of candidate state Europeanization unique (ibid). Sedelmeier (2011: 4) said that although non-member states have a history of adapting their domestic environments in reaction to European integration the decisions were mostly unilateral and reactions to the negative externalities of European integration, rather than driven by EU conditionality. Similar to Grabbe, he noted that the use of Europeanization to explain adaptation by non-member states developed during the CEE enlargement due in large part to the extent of EU direction and the comprehensive nature of adjustments demanded of the candidates (ibid). Sedelmeier also provided a more nuanced explanation of why the Europeanization of candidate states is distinct from that of the member states. First, candidate states are not bound by EU treaties as member states are and thus the EU must use softer mechanisms including persuasion, incentive schemes, and normative pressures to elicit change, while monitoring compliance in a more intrusive manner (Sedelmeier, 2011: 5). Power asymmetries make the Europeanization of candidate states much more hierarchical and one sided, giving candidates little ability to upload their own preferences to the EU level (ibid).

Sedelmeier also claims that the application of Europeanization in CEE was more prominent than in previous accession rounds because of the EU's more stringent enforcement (*ibid*).

A pair of complementary research questions inform studies of candidate state Europeanization. One question asked to what extent the EU's 'transformative power' has impacted candidate state development. Hughes, Sasse, and Gordon (2004: 2) investigated the extent to which 'institution building, norm construction (including attitudinal impacts) and convergence' of regional policy were influenced by the EU in the CEECs. They concluded that while the EU maintains a degree of influence due to its financial significance, its attempts to shape the institutional templates of the CEECs were rebuffed by political opposition and pre-existing processes of compliance. Kubicek (2003) was interested in the EU's efforts to promote democracy in 'reluctant democratizers' from CEE, Croatia, Turkey, and Ukraine (p. X). Grabbe (2001: 1) investigated the EU's effect on 'national patterns of governance' including 'policy-making and intra-governmental relations' in CEE. She concluded that the EU's impact does not match its potential. Later studies had a more nuanced focus, differentiating between the types of reactions to the EU's presence. Jacoby (2004: 8-12) identified four different ways CEECs elites' responded to EU rules, 'open-struggle', 'scaffolding', 'continuous learning' and 'homesteading'. Schimmelfennig and Sedelmeier (2005) differentiated between formal/legal compliance and behavioral change. Noutcheva (2009) applied this line of inquiry in the Western Balkans and discovered that domestic actors responded to the EU's presence with fake compliance, partial compliance, and non-compliance, with the latter provoking imposed compliance (p. 1067).

Another branch of inquiry investigated the factors that determine the EU's impact, or lack thereof. Some studies focused on the significance of domestic mediating factors. Brusis (2005) stated that domestic political pressures and the functional requirements of a modernizing public

administration limited the EU's influence on regional policy in the Czech Republic and Slovakia. Similarly, Schimmelfennig (2005) argued that domestic party constellations were significant domestic factors. Other scholars focused primarily on how international factors affect EU influence in the candidates. Grabbe (2001; 2003; 2006) identified five ways in which the EU affects its own level of influence. Other scholars found a combination of domestic and international factors possessed the most explanatory value. For instance, Schimmelfennig and Sedelmeier (2005) suggested that the clarity of EU rules, the consistency of its approach, and the cost of domestic adaptation are paramount. Rechel (2008: 172) explained that the EU's impact on minority rights depended on a combination of EU limitations (no clear minority rights standard, superficial monitoring, and missing expertise) and domestic factors (the degree of ethno-nationalism and political support).

This dissertation engages both these analytical streams of Europeanization research. It investigates on the one hand, *how* the EU has used alternative, horizontal methods of Europeanization to induce domestic change. On the other hand, it also investigates the impact of these horizontal mechanisms in terms of *acquis*-compliance and membership preparation. Additionally, it applies the concept of Europeanization to understand processes of domestic adaptation in the candidate states.

## **2.5: From the 'Top-Down'**

Scholars have long debated the precise 'direction' of Europeanization—does it occur top-down, bottom-up or from some horizontal direction? The first major contribution to this debate was offered by Ladrech (1994: 69) who defined Europeanization as:

...an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making

While Ladrech maintained the primacy of domestic interests, he also recognized that supranational norms and values were quickly becoming interwoven with domestic and regional policy-making structures. In fact, ‘organizational logic’ was left purposefully vague so as to encompass all of the structural and administrative changes brought on by deeper EU integration and the new environmental inputs, resources, costs, and competition faced by new members (Ladrech 1994: 70-71). Although Ladrech (2010: 22) admitted that top down conceptualizations of the Europeanization process ‘miss the empirical reality’ and are ‘problematic, if not simplistic’, his early definition does little to differentiate itself from such top-down renderings. Indeed, his focus was on domestic politics and institutions, however, it was more about domestic adaptation and reactions ‘inspired by the new rules and procedures emanating from the [then] EC [European Community]’ (Ladrech, 1994: 72). Therefore, the ‘direction of causality’, or rather the impetus for domestic change, was still conceived to be from the supranational level down to the domestic (Ladrech, 2010: 3).

Radaelli (2000: 4) broadened the research focus of Europeanization and defined it as the ‘processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms that are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, identities, political structures and public policies’ (See Radaelli, 1997: 55 for an earlier yet similar definition). While particularly vague about the process of Europeanization, Radaelli’s definition encompasses the plethora of outcomes caused by EU influence, acknowledging less formal types of change such as norm and belief adjustment. The definition also highlights the prominent role played by the EU without disregarding adaptation by ‘national and subnational’ entities. Nonetheless, the definition still

overlooks processes at the domestic level that can fundamentally change the way that the EU's impact is felt and its policies implemented. Moreover, it does not reference the impact of more 'horizontal' modes of Europeanization that involve NGOs and interagency cooperation between members and candidates.

Such hierarchical, top-down renderings of Europeanization assume that the presence of formal EU policies exerts pressure on member and candidate states to conform. Based on the principle of conditionality originally used to describe the way international financial institutions (IFIs) such as the World Bank and International Monetary Fund (IMF) distributed funding, this top-down approach sees the EU's relationship vis-à-vis its candidates structured around 'carrot and sticks', whereby rewards (carrots) are received by candidates based on their level of compliance with EU standards. If the candidate fails to comply, the EU sanctions (stick) the candidate through suspension of funding, rhetorical shaming, and, in the event of egregious noncompliance, suspension of membership negotiations (see Hughes, Sasse, Gordon, 2004; Anastaskis, 2008; Trauner, 2009; and Freyburg and Richter, 2010).

The principle of conditionality assumes that domestic actors are able to judge the 'goodness of fit' between domestic policy preferences and the requirements of EU membership (see Knill and Lehmkuhl, 1999; Cowles *et al.*, 2001). Cowles *et al.* (2001: 7) explain that the 'degree of adaptational pressure generated by Europeanization depends on the 'fit; or 'misfit' between European institutions and domestic structures', the lower the 'fit' the higher the pressure (see also Börzel, 1999). Börzel and Risse (2003: 61-62) further differentiate between policy misfit—differences between EU rules and regulations and domestic policies—and institutional misfit—the degree to which EU rules and regulations challenge domestic rules and procedures 'and the collective understandings attached to them'. Yet Börzel and Risse concluded that misfit

is ‘only the necessary condition for domestic change’, that the level of domestic change will ultimately be determined by a series of intervening factors (Börzel and Risse, 2003: 63). Indeed, Héritier and Knill (2001: 290) claimed that while at first EU policies may ‘fit’ with domestic arrangements, changes to the constellation of actors with influence may engender forces that ‘oppose European policy objectives and promote a distinctive domestic approach.’

Schimmelfennig and Sedelmeier (2004) break down conditionality into two types, a democratic and *acquis* variety. They note that both varieties vary in their effectiveness and are influenced by the actions of member and candidate states. The authors conclude that the effect of democratic conditionality is contingent on domestic cost/benefit calculations (Schimmelfennig and Sedelmeier, 2004: 675). However, *acquis* conditionality has been much more effective because of the credible promise of membership and because it rarely threatens the general political system or power base. Yet, the authors explain that short-term *acquis*-compliance could have come at the cost of long-term inefficiency because legislative compliance has not translated into compliance in practice (ibid: 676).

Kelley (2004) found a similar link between a credible membership prospect and the effectiveness of conditionality. She explained that membership conditionality was crucial to producing policy change and overcoming strong domestic opposition. She found socialization-based efforts by comparison played a larger role in guiding the substance of reforms than making significant behavioral adjustments (Kelley, 2004: 435). Analyzing conditionality in Croatia, Serbia and Turkey, Schimmelfennig (2008: 921) reaffirmed his earlier position that the success of conditionality depended on a credible membership prospect, consistent EU decision-making, and low domestic compliance costs. Political instability and legacies of ethnic conflict had

changed domestic cost/benefit calculi and thus he believed that the credibility of membership was paramount (ibid: 932).

Sasse (2008) challenged the connection between consistency, credibility, cost, and the effectiveness of conditionality, and rejected Kelley's conclusion that socialization had little behavioral influence. She found that in the case of minority policy in the CEECs the EU had been neither consistent, nor credible, nor had minority policy been characterized by low political and financial adoption costs (Sasse, 2008: 844-845). As a result conditionality was defined as an evolving concept 'shaped by various actors at the EU level, in the member states or in candidate countries' (Sasse, 2008: 845; explained in Hughes *et al.*, 2004: 3 as a procedural rather than ideal-type definition). Contrary to the findings of Kelley (2004), Sasse concluded that without an element of socialization, conditionality is unlikely to compliment legal change with procedural and behavioral change (Sasse, 2008: 856). This is why an examination of the Europeanization of SEE must acknowledge the existence of horizontal modes of influence that stress cooperation and the exchange of experiential knowledge aimed at inducing procedural, behavioral, as well as legal change.

Goodness of fit and conditionality only explain scenarios where EU policy is clear and present. In her analysis of the EU's transformative power in CEE Grabbe (2006) suggested that while conditionality represents the main instrument governing EU-candidate state relations the requirements for EU membership remain fairly ambiguous. The Copenhagen Criteria are a set of loose political and economic standards, not explicit tasks to be completed. Moreover, the accession *acquis* are constantly evolving, presenting the candidates with, as Grabbe (2006: 31) suggested, a 'moving target problem'. Anastaskis (2008) identified three main issues with the EU's use of conditionality in SEE: (1) more conditions, for even less prepared partners, (2)

unclear intentions, and (3) inconsistent application. However, for reasons to do with the EU's supranational status, reliance on intergovernmental bargaining, and the increasingly complex socio-political environments of its candidates, these issues may have been inevitable. The EU does not possess one singular 'model' that candidates can simply download and merge with their domestic processes (Mörth, 2003; Grabbe, 2006: 78). Rather, it possesses a wealth of different political arrangements, each designed for unique domestic contexts. The nature of the EU is such that while members share some policy areas such as monetary and competition policy, other policy areas are at the discretion of individual member states. In addition, the EU also reinforces other international norms through its accession process and expects candidates to adopt a number of international conventions including the Framework Convention for National Minorities and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Grabbe, 2006: 77). So while a set of general guiding principles and standards certainly inform the policies and procedures of EU members, these principles do not represent a template that can simply be transferred to the candidates. Indeed, Page and Wouters (1995: 202) concluded that 'there is no clear EC model...that is likely to find its way through contagion, emulation, the demonstration effect or the natural process of adaptation'.

It is important not to 'overestimate the EU influence' (Grabbe, 2003: 305) or assess the role of the EU in 'isolation from other sources of domestic institutional and political change' (Hix and Goetz, 2000: 3). In other words, domestic factors have a significant and often complex effect on EU influence and dynamics of compliance. On the one hand, as Verdun and Chira (2011) showed, keen domestic decision-makers can act pre-emptively, and with little EU influence, improve their compliance with EU requirements and better their standing with the EU. On the other hand, even where EU requirements are more explicit, the presence of veto players,

political instability, and public opinion can make it difficult for EU requirements to translate into domestic practices (Radaelli and Pasquier, 2007: 37). Alternative forms of influence and persistence are often necessary for EU policies to produce their desired effect on domestic politics. Therefore, reducing the complex process of Europeanization to an act of copying or downloading is simply inaccurate and does not take into respect the important role horizontal mechanisms of influence play in the accession process.

## **2.6: From the ‘Bottom-Up’— A ‘Two-way’ process**

Too often ‘although the causality between Europeanization and domestic structure runs in both directions’ the emphasis has been on ‘the downward causation from Europeanization to domestic structure’ (Cowles *et al.*, 2001: 12). As Bache (2008: 2) noted ‘a consensus has grown around the need to understand this as a two-way relationship’, yet most scholars have preferred to analyze it ‘primarily in terms of the downward flow of effects’. Defining Europeanization as a unidirectional process of cause and effect simply overlooks the ability of domestic actors to manipulate and influence the processes that affect them. As a result, a competing notion of bottom-up Europeanization, informed by intergovernmentalist theory of integration, developed to expose the methods used by domestic actors to influence processes of Europeanization.

Héritier (1994: 278) showed that ‘member states seek to shape European policy-making according to their interests and institutional traditions. At the same time they have to adapt their institutions to European legislation’. In other words, EU member states are not only impacted by processes of Europeanization, but also actively attempt to participate and manipulate these processes. Similarly, Börzel (2003) explained that to understand Europeanization we must see national governments as ‘shapers and takers’. Individual states maintain the ability to modify EU demands and attempt to ‘shape’ EU requirements from the ‘bottom-up’. These demands are then

integrated to varying degrees into EU rules and regulations that are then fed back to the member-states. As Goetz (2002: 4) phrased it, Europeanization is better conceived as ‘circular rather than unidirectional, and cyclical rather than one-off.’

Of course this two-way process of Europeanization was conceived to explain interactions between the EU and its members. As the weaker member of an asymmetric relationship candidate and potential candidates are more likely to ‘import’ than ‘co-determine’ the contents of membership requirements (Papadimitriou and Phinnemore, 2003: 15). However, through processes of implementation they maintain the ability to influence the degree to which EU rules and regulations become domestically entrenched (Grabbe, 2006). Börzel (2002) argued that states can participate in ‘foot dragging’, ‘pace-setting’, and ‘fence sitting’ activities that to varying degrees, enable domestic actors to affect and react to the EU’s demands in ways that undermine EU authority. With this understanding it is reasonable to assume that Europeanization occurs as a ‘two-way process’—top-down and bottom-up (Börzel, 2002: 193). Indeed, Saurugger (2005: 291) argued that Europeanization occurs not as a linear process but rather as a ‘circular movement’, where national forces influence European integration, which in turn, demands compliance from domestic system. She argued that such a ‘circular’ conception makes it methodologically challenging to identify cause and effect (ibid: 292).

However, in instances where EU directions are weak or candidates lack the institutional and political capacities to introduce appropriate reforms this circular process fails to explain processes of domestic adaptation. Coercive mechanisms only work if the candidates are capable of reacting to such pressures. Moreover, the candidates’ ability to upload policy preferences to the EU can only occur through informal channels as they lack access to EU policy-making

bodies. This dissertation suggests that in instances such as these, alternative methods of influence that involve actors outside elite decision-making structures provide particular explanatory value.

## **2.7: Mechanisms of Europeanization**

Developing a more complete rendering of the Europeanization process involves investigating the methods used to facilitate domestic compliance. Several scholars referred to these methods as the ‘mechanisms’ of Europeanization (Knill and Lehmkuhl 1999, 2002; Radaelli 2003; and Grabbe 2003; 2006). Yet, these mechanisms have predominantly been informed by a hierarchal understanding of Europeanization that fails to explain the way Europeanization occurs in the current round of EU candidates. As a result, this dissertation investigates alternative mechanisms of Europeanization that require a more nuanced understanding of the ways actors interact, and the goals they achieve.

Knill and Lehmkuhl (1999; 2002) identified three mechanisms of Europeanization based on a trio of ideal types of European policy-making: (1) institutional change, (2) opportunity change, and (3) change in beliefs and expectations (Knill and Lehmkuhl, 1999: 1-2; Knill and Lehmkuhl, 2002: 256). Based on their notion of ‘positive’ integration—i.e. ‘positively’ prescribing new policies—Europeanization via institutional change implies that Europeanization depends on the candidate states’ ability to alter their political arrangements to new external arrangements (Knill and Lehmkuhl, 1999: 2). Following an institutionalist understanding of change the presence of EU policies and institutional arrangements exerts pressure on domestic actors to re-shape existing arrangements

Knill and Lehmkuhl’s second mechanism of Europeanization focused on changes to domestic opportunity structures. Europeanization occurs as the EU opens decision-making processes and causes shifts to existing domestic power relations. Rather than offering a

prescribed policy model the EU simply creates a policy ‘market’ wherein certain policy options are excluded (Knill and Lehmkuhl, 2002: 258). Change in this case cannot be predicted with any certainty, it depends on who is being given opportunities and how well they are able to utilize the opportunity (Radaelli, 2003: 42) Conceptualized as ‘negative integration’ this mechanism is usually reserved for policy areas where administrative reform or alterations are needed (Knill and Lehmkuhl, 2002: 258).

Knill and Lehmkuhl’s last and admittedly weakest mechanism of Europeanization is based on the alteration of domestic beliefs and expectations (Knill and Lehmkuhl, 2002, p. 258). Reserved for policy areas that require the most fundamental change, this mechanism requires neither a prescribed policy nor an opportunity recalculation. Rather, it necessitates the gradual change of domestic perceptions of specific policy areas. By encouraging certain conceptions of specific policy fields Europeanization is expected to occur as domestic advocates put pressure on the underlying institutions that possess the power to change political arrangements. In this way, Europeanization is only observed sporadically depending on the strength and opportunities of those advocacy groups with ‘EU’ beliefs.

Radaelli (2003) reduced Knill and Lehmkuhl’s mechanisms to a vertical and horizontal version. He explained that the vertical mechanism involves ‘positive’ integration and furthers it by explaining that it occurs either by coercion or mimetism. In this context coercion emphasizes forced change whereas mimetism emphasizes change as the result of peer pressure. In contrast, the horizontal mechanism of Europeanization builds on the idea of ‘negative’ integration by explaining that change can also occur as the result of ‘international regulatory competition’ (Radaelli, 2003: 42). As the candidate states are exposed to diverse and, at times, competitive political arrangements they are able to choose the best way to comply with the EU’s demands. In

this way the EU may set the reform agenda, but a ‘competition between member states, and the candidate states’ choice ultimately lead to change.

Grabbe (2003) presented a series of five mechanisms of Europeanization: Model, Money, Benchmarking and Monitoring, Advice and Twinning, and Gate-keeping. Grabbe explained that each mechanism is ‘largely used instrumentally by the European Union’, each emphasizing a different arrangement of influence (Grabbe, 2003: 312). Some, such as gate-keeping and money privilege the EU’s position and contain an element of ‘positive’ integration. Others, such as advice and twinning, and benchmarking and monitoring entail substantial inputs from the member and candidate states. Grabbe’s mechanisms break from Knill and Lehmkuhl (1999; 2002), and Radaelli’s (2003) ‘explanatory’ emphasis and provide the discipline with ways to assess empirically the Europeanization process. This dissertation continues this focus by suggesting that civil servant cooperation (twinning) and NGO-led reforms represent new, horizontal mechanisms of Europeanization.

The EU’s Twinning Initiative was designed to connect civil servants from member states and candidate states with the aim to develop policy, legislation, procedures, and institutions that help the candidate implement and uphold the *acquis communautaire* (Papadimitriou, 2002: 2). It embodies exactly the type of civil servant cooperation that horizontal Europeanization recognizes. As domestic actors debate the potentially contentious reforms required to become *acquis*-compliant it is not uncommon for political infighting and disagreement to occur. The mere act of being an EU candidate is a highly politicized issue, one that necessarily brings together a diverse set of actors with potentially conflicting interests and ideas about how the state should proceed. When consensus cannot be reached governmental sub-units may reach out to colleagues from other states, forming transgovernmental bonds that can help overcome domestic

and EU-level obstacles. These transgovernmental elements have become institutionalized within the accession process in the form of EU-financed twinning projects.

Grabbe (2006: 84) argued that twinning represented a tool the EU could use to gain access directly to policy-making structures in the candidate states. She argued this because in her estimation ‘EU civil servants worked alongside CEE counterparts’ (ibid). As Grabbe noted the EU is the primary funding body, and ‘EU civil servants’—used here to describe civil servants from the member states—work closely with their candidate state colleagues. This is an important distinction because member state civil servants do not operate under the command of EU forces, but rather possess an understanding of EU requirements and how domestic policy should operate under EU constraints. Member and candidate state partners work together on establishing project outlines, goals, procedures, funding requirements, and etc. with little or no oversight from member state officials and infrequent monitoring by EU officials. The autonomy given to twinning partners leads this dissertation to present it as something outside of the hierarchical understanding of Europeanization. Twinning uses neither coercion from the top, nor manipulation from the bottom to attain goals. Rather voluntary cooperation, the exchange of experiential knowledge, and mutual dependence are key to the success of twinning projects.

Twinning allows a diverse set of actors and interests to impact the Europeanization process. Member state representative certainly maintain an understanding of how ‘they do things’, however it is also key that they understand the context and how the project’s goals fit with the candidates’ existing arrangements. Similarly, candidate state project members are constrained by their own institutional and procedural arrangements. However, twinning involves a high degree of learning and the co-production of outcomes that accept domestic situations, while also ensuring compliance with the EU *acquis*. The EU facilitates this mode of

Europeanization by providing the environment and financial resources for cooperation to occur, but it does not directly lead or participate in the process of adaptation. Thus this dissertation believes twinning is one of the clearest representations of horizontal Europeanization.

Other non-state actors also participate in horizontal Europeanization processes. When governments lack the necessary resources, expertise, or experience to develop and implement reforms compliant with EU requirements NGOs have the will and expertise to fill in the gaps. They often possess the issue-specific knowledge and grassroots connection lacking in formal state structures. Moreover, their position as mediators between local, state, and supranational forces allow them to serve as a legitimizing body, offering alternative solutions and local perspectives to wider policy-making process (O'Brennan, 2013: 32). They are thus crucial to EU and domestic efforts to legitimize the policy reforms necessary for EU membership. Moreover, NGOs are particularly well-placed to lead implementation projects that ensure legislative compliance equates to practical compliance. This position allows NGOs to influence the depth of domestic adaptation directly and thus the degree to which domestic policies and procedures are 'Europeanized'.

NGOs have benefited from the EU's presence, and its efforts to restructure patterns of interaction and open up opportunities for NGOs to participate in policy-making processes (O'Brennan, 2013: 30). In this way the EU is a 'political opportunity structure' funding and encouraging NGO efforts to transform the political and social landscape of the region (ibid). With limited success, the EU has also encouraged domestic NGO throughout SEE to forge national and international partnerships within and across policy sectors in order to increase their policy-making influence and give them access to larger funding opportunities. Larger umbrella organizations such as the Regional Environmental Center, which educates individual NGOs on

issues of sustainability, proposal writing, and project management, also encourage network building.

However, NGO access to decision-making processes is constrained by internal disorganization, sustainability concerns, human and financial resource shortages, public distrust, and weak intra and cross sectorial networking. Restrictive funding requirements, the lack of formal institutional access and consultation procedures, and international questions of legitimacy present obstacles for NGOs from SEE. With the help of the EU, the environment of cooperation is improving and thus this dissertation investigates the ‘Europeanization potential’ of NGOs and posits that without such an investigation the Europeanization of SEE cannot be explained.

## **2.8: Chapter Conclusion**

The debates discussed above form the basis of this dissertation and are appreciated for their contribution to the ever-developing field of Europeanization. These debates highlight the evolution of the concept of Europeanization and form the basis of much of the discussion to follow. This initial presentation of the Europeanization literature serves to clarify and accustom the reader to many of the concepts that will be used in this dissertation to evaluate current incidences of Europeanization in Croatia and Serbia.

Europeanization was initially used synonymously with integration to describe the development of a political center at the European level. However, scholars realized quickly that Europeanization was in fact a reaction to integration processes. Radaelli (2000) reduced the differences between the concepts to ontology; integration was at the ontological stage of research, whereas Europeanization was ‘post-ontological’ interested in what occurred after supranational institutions had developed. A similar debate looked at whether Europeanization was a process or an outcome. While a state that has adjusted its policy, legislation, procedures,

norms, and etc. can be accurately called ‘Europeanized’, it is important that we understand the *process* by which this state of being occurs. Indeed, this dissertation evaluates the Europeanization process, rather than the state of being Europeanized.

Power asymmetries and different cost-benefit analyses make the Europeanization of candidate states fundamentally different from similar processes in member states (Grabbe, 2006). Member states have a significantly greater ability to resist EU pressures and influence the demands placed upon them. Candidate states have little power to influence membership requirements and negotiate from a position of weakness vis-à-vis the EU. Moreover, the cost and benefits of complying with EU demands is often much higher for candidate states. As a result, the process of adaption for candidates is significantly more arduous. In light of the differences between the Europeanization of candidate and member states, this dissertation is solely interested in the unique mechanisms used by the EU and candidates to translate the *acquis* into domestic policy, legislation, and procedures.

As this chapter has shown, top-down and bottom-up Europeanization have informed much of the literature on candidate state compliance, enlargement, and EU governance. However, this dissertation finds such a narrow reading of the Europeanization process problematic. In light of recent trends in EU-candidate state relations, specifically in SEE, this dissertation questions the degree to which traditional notions of top-down and bottom-up Europeanization still explain how EU requirements are translated into the candidate states’ procedures, policy, legislation, and norms. It investigates to what extent, and to what end, new, horizontal mechanisms of Europeanization inform Europeanization processes in SEE. It focuses on two horizontal mechanisms of Europeanization, civil servant (twinning) and NGO cooperation that stress voluntary cooperation, mutual dependence, the co-production of outputs,

and the exchange of technical and experiential knowledge. These mechanisms have been sparsely investigated by Europeanization scholars and thus this dissertation intends to shed light on their usage and utility in the following chapters.

## Chapter 3: Theory, Methods and Case Selection

### 3.1: Introduction

The purpose of this chapter is to explore the theoretical and methodological underpinnings of this project. It is informed by social constructivist notions of political decision-making and I believe that from this perspective valuable insight can be gained into the processes of Europeanization in EU candidate states. This project necessitated a small-n design because the number of applicable cases was limited and the nature of data needed was highly personal. The project followed a 'most similar systems design' (Mill, 1872; Lijphart, 1971; Anckar, 2008), selecting cases that have much in common, but that differ in the timing and depth of EU membership negotiations and thus key institutional developments. Accessing the highly personal motivations and understandings of political decision-makers required a qualitative, interview-driven approach.

The remainder of this chapter proceeds as follows: Section 2 delves in to the debate between rationalist and social constructivist notions of political decision-making, compliance, and actor interaction, exploring specifically the value of understandings Europeanization as a process of socialization. Section 3 outlines the research design and case selection of this project. A significant part of this section is spent exploring the political development of the cases so as to make clear why their comparison offers a significant contribution to the existing literature. Section 4 discusses data collection and the difficulties of establishing causality, a key concern of Europeanization research. Section 5 then talks about using the data and ensuring its reliability. Section 6 summarizes and concludes this chapter.

### 3.2: Theoretical Underpinnings

This project is heavily influenced by the competing notions of political decision-making, compliance, and actor interaction offered by rationalist and social constructivist models. March and Olsen's (1989: 160-161) 'logic of appropriateness' and 'logic of consequentiality' have served as the basis for much of these debates. Following the logic of consequentiality many rationalist models see actors as strategic, utility-maximizers solely interested in maximizing their power vis-à-vis others. Behavior is 'driven by preferences and expectations about consequences' (March and Olsen, 1989: 160). Political decisions reflect this power maximizing strategy and are often determined by material incentives. On the contrary, social constructivist understandings see actors as impressionable, motivated, and indeed constrained, by values, norms, and identities. Actors weigh the legitimacy/appropriateness of rules and behavior and make decisions through processes of 'complex learning', persuasion, and calculations of appropriateness (Schimmelfennig and Sedelmeier, 2004: 667). It is the latter understanding of decision-making and compliance that this project has adopted.

Social constructivist thought originates in the field of developmental psychology and the work of L.S. Vygotsky, however in what Christiansen, Jørgensen, and Wiener (1999) termed the 'constructivist turn' Europeanists in the late 1990s began using this analytical lens to explain how social norms, values, and systems impact compliance and decision-making in the EU. Christiansen *et al.* believed that a constructivist approach would illuminate the 'transformatory processes of integration' that they believe was lost in the traditional debates on European integration (Christiansen *et al.*, 1999: 537). Similarly, this project uses a social constructivist position to investigate the complex mechanisms of socialization and social learning employed during the Europeanization process, rather than expounding on the state of being Europeanized.

Of utmost importance to constructivist understandings of this process is that preferences are fluid, as are the norms, values, and rules that influence them. In this regard, Checkel (2001b: 560) noted that there is a crucial distinction to be made between mainstream constructivists and those that study the EU. He argued that mainstream constructivists see compliance similarly to rationalists—a function of coercion and instrumental calculation—whereas Europeanists highlight the importance of social learning and deliberation, and understand that interactions between actors may lead to adjustments of their preferences (Checkel, 2001b: 560).

While the constructivist turn in EU studies occurred in the late 1990s it was not until the mid-2000s that comparisons between constructivist (socialization and learning) and rationalist (conditionality and rational bargaining) perspectives on European membership and accession began to develop. Initially most authors were not convinced of the utility of mechanisms of socialization when compared to the EU's use of conditionality. Investigating the process of rule transfer in the candidates of CEE, Schimmelfennig and Sedelmeier (2004) found that social learning was important to rule transfer prior to, in the absence of, or where conditionality was vague. They argued that EU incentives 'trump all alternative mechanisms once the EU provides a credible membership perspective' (Schimmelfennig and Sedelmeier, 2004: 673). Similarly, Kelley (2004) found that socialization-based methods were ineffective at inducing policy change and influencing policy decisions. She concluded that socialization is rarely effective and usually only in cases where domestic opposition is low (Kelley, 2004: 434).

Conditionality has dominated research on compliance in the candidate states. Conditionality explains that by offering rewards—and in some cases punishment—in return for regulatory compliance the EU is able to control the legislative and policy alignment of its future members. Many scholars (Moravcsik and Vachudova, 2003; Steunenberg and Dimitrova, 2007)

refer to Keohane and Nye's (1977) concept of asymmetric interdependence to explain conditionality's emphasis on concessions and bargaining during enlargement. This is of course based on the assumption that rewards outweigh the domestic costs of adopting the EU's rules. Due to the benefits of membership, as well as the financial and technical aid offered throughout the accession process, the EU is seen to have a supreme bargaining position vis-à-vis its candidates. Moreover, due to the political fragility of the EU's most recent group of candidates, their governments were seen to be more receptive to the EU's demands, understanding the potential costs of non-compliance (Schimmelfennig and Sedelmeier, 2005).

Schimmelfennig and Sedelmeier (2004: 672) found that once EU conditionality had been applied in a certain issue area, policy compliance and rule adoption increased dramatically. They also found that the clarity and formality of demands, the speed and size of rewards, credibility of actors involved, the presence of veto players, and the domestic costs of adoption contributed to the timing and success of compliance in the candidates. Of utmost importance was the credibility of the membership promise. Kelley (2004) and others (Schimmelfennig and Sedelmeier, 2004, 2005; Schimmelfennig 2005, 2008; Sedelmeier, 2011) found that membership conditionality was increasingly needed and effective at changing the positions of decision-makers. Although Trauner (2009) has since found that conditionality can be effective in the absence of a clear membership perspective if high valued rewards such as visa liberalization are offered, the effectiveness of EU conditionality is generally agreed to stem from the EU's control over membership.

With few exceptions (Grabbe, 2006), scholars who espouse conditionality-centered explanations of EU compliance in candidate states overstress the importance of the EU and oversimplify processes of autonomous domestic adaptation. This is particularly surprising because

older investigations of EU conditionality in member states found domestic variables to be extremely important to the way EU rules were translated and implemented (Buller and Gamble, 2002; Radaelli, 2003; Howell, 2004; Jacoby, 2004; Bulmer and Radaelli, 2005; Steunenberg and Dimitrova, 2007). On the contrary, Schimmelfennig and Sedelmeier (2004: 672) concluded that adoption costs and veto players (both domestic variables) ‘do not lead to systematic variation in the success of EU rule transfer as such’ in EU candidates. Such conclusions ignore much of the complexity that goes into domestic rule adoption. Moreover, it reduces the number of important domestic considerations to two: the presence of veto players and the relative costs of rule adoption. As Steunenberg and Dimitrova (2007: 5) found, conditionality and enlargement are dependent on ‘efforts made in both the applicant country and the EU.’ Domestic coordination concerns, administrative deficiencies, jurisdictional conflict, and the presence of policy entrepreneurs are but a few of the considerations often neglected by conditionality-centered investigations of candidate state compliance.

Subsequent research has also highlighted the inconsistent results of conditionality. Steunenberg and Dimitrova (2007) and Böhmelt and Freyburg (2013) made claims about the temporality of conditionality. The authors contend that although the presence of a membership perspective is powerful, the timing of the membership offer has a huge impact on the relative power of conditionality. Böhmelt and Freyburg (2013: 267) concluded that as the definitiveness of membership increases, the efforts of the candidates to comply with EU rules decrease, before ultimately disappearing upon accession. Also interested in the temporal dimension of conditionality, Sasse (2008) stressed that the vague targets of some EU policy demands make it difficult to know when conditionality played a more definitive role than domestic interests and socialization. Even Schimmelfennig (2008) acknowledged that the effectiveness of conditionality

has waned in the current set of Balkan candidates due to their legacies of ethnic conflict and political uncertainty. It is due to the uncertain effectiveness of conditionality and its overuse as an explanatory approach that alternative approaches such as socialization should be investigated.

First, it is important to distinguish between how the conditionality and socialization approaches view interactions between actors. On the one hand, conditionality is coercive—through the use of rewards and punishments—relying on strategic bargaining to induce compliance. The donor and recipient are assumed to be a part of an asymmetric power relationship whereby the donor attaches conditions to the release of financial or institutional rewards (Cengiz and Hoffmann, 2013: 418). While Schimmelfennig and Sedelmeier (2004: 663) challenged claims about the coerciveness of conditionality, arguing that the EU does not seek to change cost-benefit analyses coercively—reinforcement by punishment—or by providing additional support, the EU's frequent use of rhetorical pressure and its willingness to withdraw funding when displeased, demonstrates that coercive practices are indeed part of the EU's toolkit.

Socialization is based on entirely different assumptions about how actors interact. Socialization involves acts of persuasion, deliberation, and argumentation (Checkel, 2001b: 561). Checkel (2001b) discerned between argumentative and manipulative persuasion (*ibid*: 562). The latter is primarily used by rational-choice theorists to describe relationships between political elites and society. The former refers to interactions between actors where one actor attempts to influence the beliefs, attitudes, or behavior of others while everyone maintains a degree of free choice (Checkel, 2001b: 561). Deliberation is the fundamental principle of argumentative persuasion, whereby actors are given the opportunity to assess reflexively their beliefs and positions in light of new information and perspectives (*ibid*: 563). Risse (2004: 294) suggested that when argument and deliberation characterize the communicative environment, power and

social hierarchies become less important. In such environments, beliefs and preferences held by actors are open to discursive challenges and may change based on the arguments of others (Risse, 2004: 294).

Of course the effectiveness of socialization is contingent on a great many things. One key variable is the actors involved. Börzel and Risse (2000: 9) talked about the importance of ‘change agents’ or norm entrepreneurs, who seek to persuade actors to rethink their preferences and beliefs rather than increase the costs of certain courses of action. One particular type of ‘change agents’ are epistemic communities, which Börzel and Risse described as networks of actors with an authoritative claim to knowledge and a particular normative agenda (Börzel and Risse, 2000: 9). These networks use their position as experts to persuade key decision-makers of the value and appropriateness of a specific decision or behavior. The Twinning Initiative clearly embodies this notion of influence and interaction. Civil servants from member states with the knowledge of and experience dealing with EU regulations are partnered with their candidate state colleagues to co-develop policy, procedure, and legislation in line with EU-requirements. Participants from the candidate states also possess contextual knowledge and unique experiences that allow them to contribute to the understandings and beliefs of their member state partners. Furthermore, deeper cooperation between political actors and NGOs has meant that experts and activists outside of government have a greater potential to influence the development and implementation of reforms. These developments would suggest that in the context of EU-candidate relations socialization occurs at all levels, involving actors from the candidates, members and the EU.

The interaction between actors must be seen as legitimate, most crucially by the target actors. Moreover, the rules being advocated must be seen as legitimate in substance and in their

development (Sedelmeier, 2011: 15). In terms of substance it is important that the rules are codified so as to avoid being perceived as arbitrary or superfluous (ibid). The rules are also more likely to be perceived as legitimate if they are adopted or supported by a large number of key stakeholders. In the case of EU accession, its demands are codified in the *acquis communautaire* and are supported by 28 other sovereign member states. Rule legitimacy is also improved when domestic stakeholders identify with the EU and support a particular reform. In this regard consultation with and the participation of non-state actors, as supported by the EU, is increasingly important. Consulting these actors gives the EU access to a wealth of new perspectives and knowledge, while also giving EU demands the semblance of legitimacy.

Still the development of EU rules is particularly problematic when it comes to legitimacy concerns and EU accession. Since EU accession only involves the unilateral adjustment of the candidates, the legitimacy of the EU's rules improves if it relies on alternative, soft mechanisms of influence rather than overt pressure (ibid). Twinning is a prime example of a softer mechanism (ibid: 16). Although the candidates do not set the rules, the cooperative environment of reform created by twinning projects ensures that the EU's rules are adopted in a manner where the candidate country has some control over the implementation and enforcement of those rules.

It is important to understand that instances of socialization occur in very specific contexts, under very defined pressures. Indeed, Checkel (2001b: 562-563) explained that argumentative persuasion can be more or less effective depending on the persuader's tone and the targets' receptiveness, issue knowledge, in-group status, and comfort with the interaction. In the cases explored in this project interactions between actors are motivated and guided by EU accession, whereby the EU takes on a coordinating role, fostering interactions between relevant stakeholders. Twinning for instance is primarily funded and coordinated by the EU, encouraging

regular and deep interactions between civil servants for periods up to 3 years. Similarly, EU and candidate state actors are working to improve the frequency and depth of interaction between NGOs and government decision-makers.

Socialization and conditionality approaches are not mutually exclusive. The explanatory value of each depends on the unit of analysis, that is, whether one is trying to explain motivations or actions. Schimmelfennig and Sedelmeier (2004: 674) acknowledged that ‘alternative modes of external governance [social learning and lesson drawing] appear relevant [in] the implementation of EU rules’. Similarly, Kelley (2004: 426) admitted that socialization-based methods often ‘guide’ policy decisions and change. This project contends that while rationalist concepts of conditionality and rational bargaining provide insight into what motivates candidates to accept EU-requirements, processes of socialization and social learning may provide a deeper understanding of how EU-requirements are translated into policy, legislation, procedures, and normative understandings. Indeed, Cengiz and Hoffmann (2013: 419) argued that the focus of conditionality and the external incentive model on rule adoption overlooks the implementation and internalization of rules by domestic actors; that socialization has ‘a greater impact on sustained and consistent rule enforcement’. Similarly, Sasse (2008: 856) concluded that without some form of socialization the implementation of EU laws and policies during the accession period is bound to remain patchy. This project investigates this implementation phase with a social constructivist lens, re-evaluating the social learning model and looking at the various domestic changes induced by mechanisms of socialization.

Contrary to Schimmelfennig and Sedelmeier (2004: 667) this project does not treat socialization as an alternative to Europeanization, but rather believes socialization is one facet of a larger Europeanization process. As such this project seeks to address the ‘threefold analytic

challenge' of socialization research, that is to '(1) establish the presence of socialization mechanisms and the conditions of their operations, (2) to assess whether internalization actually occurred, and (3) to ask whether socialized actors behave differently than either they did before they were socialized, or than nonsocialized actors' (Checkel, 2005: 816). By doing so this project strives to make claims about the relative impact of mechanisms of socialization, as a part of the broader process of Europeanization, during the accession of the EU's SEECs.

### **3.3: Research Design and Case Selection**

Sound methods and a defensible case selection process are critical to the production of a solid research project. This project loosely follows the most similar systems design (MSSD). Elaborating on Lijphart (1971), Anckar (2008) described MSSD as an approach where cases are selected due to their similarity, except for a few variables, which the researcher intends to investigate. By selecting cases that are similar the researcher is able to focus on a few key areas of difference instead of the bevy of other variables that could explain differentiation. While Anckar (2008: 389) pointed out that when using MSSD 'it will never be possible to keep constant all potential explanatory factors' by selecting cases that share as many background characteristics as possible, one is able to limit the potential number of explanatory factors.

Haverland (2006; 2007) argued that the Europeanization literature tended to confine its studies to EU member states, where EU pressures, incentives, and ideas were a given. Indeed, much of the formative discussions from the late '90s and early 2000s (Börzel, 1999; Hix and Goetz, 2000, Cowles *et al.*, 2001) looked exclusively at the EU's impact on its member states. Grabbe (1999; 2001; 2006) was one of the first scholars to investigate Europeanization *outside* the EU, noting important differences in power relations and membership certainty in the Europeanization of members and candidates. Sedelmeier (2011) claimed that the lack of

attention to candidate states stemmed from the highly selective nature of candidate state compliance and the undeliberate nature of EU pressure prior to the CEECs. He went on to explain that the EU's position changed once it was recognized that the CEECs were in various stages of transition towards market economies and liberal democracies and thus needed to be monitored and assessed more strictly (Sedelmeier, 2011: 5). This shift in EU-candidate relations spurred Europeanization scholars to extend the scope of their research to the candidates.

Continuing the work of Noutcheva (2012), Taylor *et al.* (2013) and the authors in Elbasani (2013a) this project extends the line of inquiry to the candidates of SEE. It contends that the political and social environments of Croatia and Serbia differ significantly enough from the CEECs to warrant further exploration. As Taylor *et al.* (2013: 32) pointed out the SEECs possess more problematic historical legacies than the CEECs, and are confronted with an enlargement process influenced by the shortcomings of previous enlargements. Whereas, the EU approached the CEECs post-1989 with the intent of 'returning' them to Europe, the SEECs are considerably less politically developed and face increasingly 'fatigued' member states with concerns about the EU's absorption capacity (Jano, 2008; Taylor *et al.*, 2013). The Eurozone and migrant crisis have further exacerbated these fears of enlargement and the Commission has effectively frozen EU membership at 28. These factors alone warrant this project's focus on the Europeanization of SEE (Fagan, 2010; Taylor *et al.*, 2013).

Croatia and Serbia share many important features that make them suitable cases for this project: both countries were once republics in Yugoslavia and possess similar legacies of political and social instability due to Yugoslavia's disintegration and subsequent ethnic war in the 1990s. Both ended the war with semi-authoritarian governments and hyper-nationalist leaders averse to each other and the EU. As a result, the institutional and administrative developments of

Croatia and Serbia were negatively impacted, retaining bloated bureaucracies and tense intra-governmental relations. Elbasani (2013b: 6) called these problems of ‘stateness’ that ‘constrain the capacity of human action...and thus limit the scope of elite-led Europeanization’. These ‘stateness’ concerns are not insurmountable, but must be confronted and coped with by EU and domestic actors during the process of Europeanization (ibid). This project investigates a number of alternative forms of influence that have helped Croatia and Serbia deal with these problems of stateness.

By the early 2000s, both countries had discarded their authoritarian leaders and turned their attention towards deepening their relationship with the EU, with the goal of attaining membership. Serbia became a candidate in March of 2012, followed by Croatia’s accession in July 2013. Both countries have similar geographic proximities to Brussels and low strategic importance for the EU. Their populations—4.2 million in Croatia and 7.1 million in Serbia—and their 2014 gross domestic products (GDP in USD)—\$57.1 billion and \$43.8 billion for Croatia and Serbia respectively—place them at the bottom half of the EU in both categories. Given their physical and economic size relative to other EU members the power and position of each vis-à-vis the EU can be described as comparable (International Monetary Fund, 2015).

Serbia and Croatia have both faced pressure from the EU to address transitional justice and reconciliation issues, most notably cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), as a condition for membership (see Boduszyński, 2013; Stojanović, 2013). In both cases there has been significant backlash from domestic politicians and citizens over whether the countries should cooperate and subject national ‘heroes’ to what many feel is a biased or illegitimate judicial body. The issue in Croatia over the arrest and prosecution of Ante Gotovina, wanted by the ICTY for war crimes, proved to be a significant

hurdle in the beginning of Croatia's candidacy. The EU and UN claimed that the state was harboring Gotovina behind the backs of investigators. Similarly, until recently Serbia's cooperation with the ICTY was tacit at best, refusing to arrest suspects unless they voluntarily surrendered (Stojanović, 2013: 55). Although both countries have made strides towards addressing their political and social shortcomings, it is clear that post-communist legacies have similarly affected Serbia's and Croatia's relationship with the EU.

However, the timing and depth of EU engagement differed in Croatia and Serbia, leading to significant differences in their institutional and administrative preparedness. Both countries experienced monumental political change after their 2000 elections and yet Croatia's EU-commitment preceded Serbia's by years. Slobodan Milošević was voted out of power in September 2000, however the survival of relics of his regime meant institutional practices and political staffers were left mostly unchanged. While formally the governments of Serbia from 2000-2008 were pro-EU, political infighting, party fractures, and chiefly, disagreement over Serbia's cooperation with the ICTY prevented deeper EU-Serbia relations from developing.

Croatia's political landscape was also thrown into flux upon the death of war hero and *Hrvatska Demokratska Zajednica* (HDZ) leader Franjo Tuđman. Tuđman's health and popular support had been waning, giving rise to calls for political change. Less than a month after Tuđman passed away in December 1999 a new center-left coalition led by the *Socijaldemokratska partija Hrvatske* (SDP) was voted into government. Prime Minister, Ivica Račan immediately established Croatia's Ministry for European Integration and made the signing of a Stability and Association Agreement (SAA) the chief foreign policy goal of his new government. Although a reformed HDZ returned to government in 2003 it continued Croatia on its EU-membership trajectory. The political consensus on EU candidacy, coupled with popular

support for membership allowed Croatia to proceed more rapidly than Serbia into membership negotiations.

Table 1: Status of Relations between EU and Croatia/Serbia

Case	Opening/Conclusion of SAA Negotiations	SAA enforced	Application for Membership	Opening/closing of accession negotiations
Croatia	04/2000 – 08/2001	02/2005	02/2003 04/2004 candidacy approved 06/2004 candidate status	10/2005 – 06/2011 07/2013 membership
Serbia	10/2005 – 04/2008	06/2010	12/2009 10/2011 candidacy approved 03/2012 candidate status	

Source: European Commission (2015a)

Due to its advanced relationship with the EU, Croatia had earlier access to EU financial and technical assistance, allowing it to implement procedural reforms and develop modern institutional practices well before Serbia. By 2006 Croatia had begun to take steps to decentralize their public administration, increase organizational efficiency by reducing the number of ministries, improve civil servant training, and facilitate intra-governmental communication (European Commission, 2005a). A number of twinning projects funded by the EU's Community Assistance for Reconstruction, Development and Stabilisation (CARDS) and PHARE programs were devoted to helping Croatia with these initial efforts (European Commission, 2005b, 2006a). Administrative reform would prove to be a constant area of need during Croatia's candidacy, even appearing on the EU's 2012 monitoring report, the year before Croatia became a member (see European Commission, 2012). Yet, Croatia is not unique in its need for administrative reform; similar efforts are required of all the SEECs. It is however unique in that the timing and depth of its interaction with the EU was sooner and deeper than its neighbors, and therefore its experience with the 'benefits' of closer EU relations has been more formative.

The differences in time and depth of EU engagement between Croatia and Serbia give this project an opportunity to investigate the use of horizontal mechanisms of influence over time. In so doing, trends in the EU's foreign policy can be identified and a more nuanced and current analysis of the socialization and Europeanization of SEE can be offered.

### **3.4: Gathering Data and Establishing Causality**

This project relies on qualitative data to investigate the influence of twinning and NGO-state cooperation during the accession process. This section discusses the reasons why a small-n comparative study was chosen and how interview data was collected and supplemented with relevant primary and secondary sources.

Qualitative studies have dominated research on Europeanization, especially those that look at Europeanization processes in the candidate states. Haverland (2007: 65) explained that the discipline's focus on macro level change (state administrations and policy sectors) limited the number of potential cases available to quantitative-leaning scholars. Moreover, there had been very little effort to collect aggregate data on a large number of cases (Haverland, 2007: 65). Only recently has a more nuanced focus on meso- and micro-level political dimensions, as well as the involvement of political sociologists brought about a quantitative element to Europeanization research (ibid). Indeed, in their analysis of new articles (2007-2009) and highly cited articles in political science dealing with Europeanization, Exadaktylos and Radaelli (2012: 23-24) found that only 3 of their 45 cases used quantitative methods to investigate Europeanization, 2 of which were new (2007-2009) articles. Interestingly for this project, Exadaktylos and Radaelli (2012: 27) also found that 'socialization and identity' were often cited as significant explanatory variables in Europeanization research.

This project follows the trend in the discipline, adopting a qualitative approach of inquiry. The number of candidate states available as case studies was limited and thus a small-n approach was necessary. Moreover, the desire to understand how personalities, knowledge, and role perceptions impact the success of twinning projects and NGO cooperation made a qualitative framework indispensable. Furthermore, the limited number of relevant actors and highly personal nature of this data meant that face-to-face interactions were a more effective means of gathering data than surveys or other quantitative measures. As Töller (2012: 57) noted, quantitative analyses of Europeanization do an excellent job of explaining the scope and extent of Europeanization, whereas qualitative approaches allow the researcher to analyze *how much* a particular outcome is influenced by mechanisms of Europeanization. It is the latter aim that this project holds.

The problem of establishing causality in Europeanization research is of great importance (Haverland, 2007; Radaelli, 2012). Connecting an impetus for change at the EU level to legislative, policy, procedural, and normative changes at the domestic level is difficult given the many ways the EU can affect domestic politics. However, this project does not prejudge the impact of the EU on domestic politics and policy (Radaelli and Pasquier, 2007: 40). While this project acknowledges the EU's facilitating and motivating roles it does not form conclusions on the impact of horizontal Europeanization *a priori*. However, it does adopt a regularity approach to causality, in that twinning and NGO-state cooperation 'almost always' cause some type of policy, legislative, procedural, or normative change (Radaelli, 2012: 8)

This project's focus is not on the motivation of the candidates to comply with EU requirements, but rather the mechanisms through which they implement and enforce them (twinning and NGO cooperation). This assertion is key because as Radaelli (2012: 7) argued

Europeanization as a process rather than an outcome demands different empirical focuses. By treating Europeanization as a process this project is better able to establish when a particular instance of Europeanization—twinning or NGO cooperation—causes changes to domestic systems. Indeed, Radaelli (2012: 11) commented that ‘showing exactly how X and Y are linked’ is important. EU-funded projects, especially twinning projects, are evaluated on their attainment of pre-approved outcomes that by design must be measurable and connected to the *acquis*. By evaluating the extent to which these projects met their goals, and assessing the reasons for success/failure, this project is able to establish their influence as a mechanism of Europeanization, and therefore make broader assertions about the process of Europeanization.

Since this project treats Europeanization as a process rather than an outcome, process-tracing was a key component of the methodological framework. Collier (2011: 824) defined process-tracing as ‘an analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence—often understood as part of a temporal sequence of events or phenomena’. It involves comparing empirical patterns in a causal chain with theories that predict ‘what should happen, how it should happen and when it should happen’ (Haverland, 2007: 62). Process tracing is particularly adept at ‘gaining insight into causal mechanisms’ (Collier, 2011: 824), and providing explanations for ‘recurring empirical regularities...or [the] if *a*, then *b* connection’ (Waltz, 1979: 1).

Process tracing has been widely used throughout the Europeanization literature, regardless of beliefs about the orientation or actors involved in Europeanization (Radaelli, 2012: 12). In fact, for some, tracing the events, processes, and casual mechanisms that bring about outcomes is a methodological requirement for Europeanization research (Bache, Bulmer and Gunay, 2012: 76). The Europeanization process takes place through a series of events over an

indeterminate amount of time. To test hypotheses about the nature of this process one must pay close attention to interactions between multiple actors and to the nuanced and subtle implications of casual actions over time. Indeed, for this project to draw conclusions about the impact of twinning or NGO cooperation, and to place them within the process of Europeanization, requires the identification and linking of the causal actions that explain a given outcome. I am interested in clearly connecting *a* and *b*, whereby *a* equals an instance of horizontal Europeanization, and *b* equals knowledge transfer, administrative reform, and *acquis*-compliance. Panke (2012: 136) argued that process-tracing is particularly valuable for this type of exercise, allowing the researcher to analyze ‘in detail whether a particular pathway, triggered by an independent variable, was indeed causing a particular event’. Similarly, Kay and Baker (2015: 2) explained that the most significant advantage of process-tracing was its ability to understand causality ‘within case accounts of policy change while allowing for comparability between single case studies’. In this way I use process-tracing to understand the causal significance of horizontal mechanisms of Europeanization within Croatia and Serbia, but also in order to understand causal variability across the two cases.

At the same time counterfactual reasoning was also employed. Haverland (2007: 66) contended that process-tracing, while widely used in Europeanization research, leaves many projects vague about their expected observable implications. However, this project has identified the causal variables (twinning and NGO-state cooperation) and stated clearly what it expects to observe (policy, legislative, procedural, and normative change). This project proposes that in the absence of horizontal mechanisms of Europeanization the changes witnessed would not have occurred. In this way a counterfactual approach compliments the usage of process-tracing, especially in this case of twinning and NGO-state cooperation where a single causal pathway is

observed. By making this claim explicit and tracing the process of twinning and NGO-state cooperation I am better able to substantiate my claim that the mechanisms were indeed causally important (Haverland, 2007: 63).

Due to the limited number of cases and personal nature of data needed, this project relied on in-person interviews. Interviews were conducted with four main groups of participants: Resident Twinning Advisors (RTA) and Project Leaders (PL); representatives from Croatia and Serbia's implementing and beneficiary institutions; representatives from domestic NGOs, umbrella networks, and domestic Offices for NGO Cooperation; and representatives from the EU (domestic representations and Brussels-based). A total of 32 interviews with 35 individuals were conducted from January 2014-July 2015, 14 in Croatia and 16 in Serbia. An additional two interviews were conducted with representatives in Brussels from the Directorate General for Enlargement (DG-Enlargement) to gather the EU's perspective on the horizontal mechanisms of Europeanization under investigation. All but one interview was conducted in person, with one interviewee traveling during our pre-planned meeting. The first set of interviews conducted in each case was organized through cold-call emailing with subsequent interviews being attained through snowballing techniques. It proved very important to have a previous interviewee's recommendation for subsequent rounds of interviews. Interviews were scheduled for 60 minutes, although some interviewees were happy to talk for longer, while other interviews had to be concise to respect the commitments of the interviewees.

Surprisingly, representatives from NGOs were the most difficult to contact. Although nearly 40 requests for interviews were sent out, only a handful responded. This is unfortunate given how few analyses look at the dynamic of NGO-state cooperation within the context of EU

accession. Nevertheless, it is understandable given the size and administrative capacity of most NGOs in the region. Only a handful have full-time staff and the facilities to meet a researcher.

On the contrary, officials from national ministries and EU representations were very willing to speak with me and were keen to recommend and, at times, pressure other individuals to speak with me. Nonetheless, many email requests for interviews went unanswered.

Interview questions were tailored to the specific profiles and experiences of each participant group. The questions for each group were organized thematically. RTA and PLs, as well as members of the domestic beneficiary organizations were asked questions about the use of twinning as an EU tool, its broader application in SEE, and their particular experience as a member of an individual project. Interviewees from NGOs, umbrella organizations, and domestic Offices for NGO Cooperation were asked questions about the nature of state-NGO relations, international/interregional NGO cooperation, and their participation in the accession process. The questions posed to EU representatives were generally more comprehensive so that an understanding of the EU's position on twinning and NGO cooperation in the cases could be established. If time allowed, follow-up questions based on the respondents' answers were immediately asked. A sample of the interview questions, as well as an anonymized list of interview participants are offered in the Appendix.

Once completed, interview recordings were stored on a secure, password protected hard drive. Copious notes were taken during the interview that were added to upon a second listening of the interview and marked for particularly important comments. Word for word transcription was not used due to the length of interviews and the relative value of word-for-word transcriptions vs. detailed interview summaries. Due to the thematic set-up of the interview

questions the respondents' answers were easily organized within the summaries, which proved to be particularly helpful during the writing of this project.

Publically available reports on Croatia and Serbia, as well as more general reports on twinning, NGO cooperation, and the accession process played an important role in setting the foundation of this project. National strategy documents and EU progress reports provided much of the background and contextual knowledge needed to develop thought-provoking and informed questions for the interviewees. They also offered preliminary insights into the technical and administrative needs of the cases, which allowed for a more insightful comparison and evaluation of participant responses.

Twinning project fiches, project outlines, and monitoring reports provided valuable insight into the procedures, progress, and outcomes proposed for each project. This background information allowed for more nuanced questions to be asked of particular respondents and provided for a more thorough analysis of the connection between twinning and *acquis*-compliance. Twinning manuals made publically available by the EU provide the general framework from which all twinning projects are assessed. By comparing this general framework to individual instances of twinning this project was better able to assess what variables impact the success of twinning projects.

Similarly, project documents provided by NGOs were consulted. These documents detailed donors, project activities, and project goals and were particularly valuable evaluative tools. Relevant documents from the EU and other prominent international organizations (IOs), as well as the national Offices for NGO cooperation were consulted for a more general understanding of the nature of EU-NGO, and state-NGO relations. Comprehensive assessments by prominent NGOs such as Civic Initiatives (CI) in Serbia were also informative.

Relevant English-source literature on the histories, political development, and EU engagement of Croatia and Serbia, as well as the former-Yugoslavia more generally, were consulted. They provided the vast majority of the contextual knowledge used in the writing of this project. Insight gleaned from these sources also allowed this project to more firmly defend its case selection and situate its findings within similar regional studies.

In sum, this project followed the disciplinary trend by adopting a qualitative approach relying on interview and written data to investigate a small number of cases. The limited number of applicable cases as well as the need to access the personal beliefs and understandings of a select few individuals necessitated the use of such an approach. Publicly available reports and English-language sources were used to contextualize interview data and provide background information for this project.

### **3.5: Reliability and Use of Data**

Certainly one must be aware that interview subjects may try to lead researchers in a certain direction or present information that is not supported by reality (see Moravcsik, 1999). This can occur for a variety of reasons. Some interview subjects may be afraid that expressing their personal opinions will jeopardize their professional status, especially when other members of their organization are being consulted. As a result they may defer to their organization's official position or refuse to answer the questions with any substantive information. To address the interviewees' concerns about having their personal opinions sought and recorded, each interviewee was given the option to be identified by name, position, or simply in general terms. In one case, an interviewee requested not to be recorded or identified in any meaningful way but allowed notes to be taken and data to be used.

The issue of interview subjects leading researchers was particularly evident when talking with domestic government officials. These interviewees frequently responded to questions with near word-for-word responses from government websites or briefs. Another common response was to indicate they will send over their ministry's press release or document on a specific subject. This pattern of avoidance is not at all surprising as these subjects were for good reason the most concerned about their job security and how, if heard, the wrong response could jeopardize their position. This reflects the still strong linkage between public administration and politics in SEE where bureaucrats are still subject to partisan politics and may lose their job for speaking out. This was particularly clear from a discussion with a Croatian bureaucrat who described her career as a roller coaster, changing with the ebb-and-flow of the electoral cycle (Interviewee 6, 2014).

In most cases the official government position was already known and so to overcome these problems of reliability follow-up questions were immediately asked. Additionally, due to the similar skill sets, experiential and technical knowledge, and position of interviewees, follow-up questions were often informed by previous interviews as a form of cross-checking. This was particularly useful when both member state and beneficiary organization twinning partners were consulted.

All interviewees were given an opportunity at the conclusion of our discussion to provide other relevant information not addressed by the interview questions. This was done to allow the interview subjects more freedom to address issues they felt were important or missing from this project. In many instances this opportunity produced valuable information and insights that were then used to produce more nuanced questions for subsequent interviewees. During this phase

interviewees frequently became more personal with their response, venturing off of the official or politically sensitive scripts.

Interviewees from the EU in Brussels and domestic representations were particularly valuable for their more general and often more sincere appraisals of the cases. Speaking to twinning advisors from the EU delegations was particularly valuable because they were able to address deficiencies that RTAs and PLs often tried to mask or divert attention away from. The same can be said about interviews with NGO umbrella organizations and domestic offices for NGO cooperation. These two groups of interviewees were especially knowledgeable about the relationship between government and NGOs, and were unafraid to give their honest appraisal of both sides of the relationship. Publically available reports and secondary research were also used to cross-check interviewee responses and ground their answers in more general trends.

In sum, the reliability of interview data must be considered. However, as Vink and Graziano (2007: 17) noted interviews ‘constitute a major source of information and may be plausibly used to trace motivations for certain actions’. Moreover, they are a staple of many extremely valuable Europeanization studies. The utmost care was used to ensure the anonymity of interviewees, as well as to cross-check and follow-up any particularly relevant responses. The insights of EU officials were particularly useful for giving a more frank and general appraisal of the cases. Consulting publically available documents and secondary research was also important for contextualizing and cross-checking purposes.

### **3.6: Chapter Conclusion**

In sum, this project engages with the debates between social constructivists and rationalists about the nature of EU compliance, political decision-making, and the interactions between actors. It follows the former approach, drawing attention to the importance of

mechanisms of socialization—twinning and NGO cooperation—in contrast to widely-held beliefs about the importance of conditionality. It argues that while the principle of conditionality explains how the EU motivates candidates to comply with its demands, instances of socialization are key to explaining how motivation becomes action, and what those actions ultimately produce. Croatia and Serbia were selected in accordance with the ‘most similar systems design’ due to their shared history of ethnic warfare and subsequent political and social instability. Yet, the timing and depth of EU engagement differ significantly between the cases, leading to staggered institutional developments and membership preparedness. This temporal dimension allows this project to investigate the use, evolution, and impact of horizontal mechanisms of Europeanization overtime, a crucial step in evaluating the EU’s relationship with SEE.

Given the limited number of appropriate cases and need to investigate the personalities, role perceptions, and conflicts among actors, a qualitative approach was used. Interview data was collected from key domestic and supranational actors. The reliability of data was ensured through triangulation with secondary sources and primary reports, as well as through frequent cross-checking and follow-up questions. The anonymity of interviewees was of utmost importance and thus they were able to select their level of identification.

Going forward, the mechanisms of horizontal Europeanization discussed in chapter 2 and grounded in theory here are explored in chapters devoted to each mechanism. The next chapter focuses on twinning in Croatia and Serbia, highlighting the technical requirements of twinning and the reality once employed. A series of twinning projects from each case are presented. Particular attention is paid to the actors, goals, activities, and outcomes of each project. From the cases, a series of intervening variables are identified and preliminary conclusions about the utility of twinning are drawn.

## **Part 2: Twinning and NGO Cooperation in Croatia and Serbia**

Part 1 examined the conceptual, methodological, theoretical, and analytical frameworks of this study. Specifically, Chapter one set the stage for the study, explaining the research questions and introducing the concept of ‘horizontal Europeanization’. Chapter 2 traced the origins of the concept of Europeanization and investigated the key questions that have dominated the Europeanization literature to date. Chapter 3 grounded this study in social constructivism and the debates about what informs actor behavior and compliance. It justified the selection of Croatia and Serbia as case studies (section 3.3) and delved into issues around establishing causality (section 3.4) and the reliability/use of data (section 3.5).

Part 2 builds upon these foundations, examining the application of twinning and the development of NGO state relations in Croatia and Serbia. Chapter 4 discusses the origins of the twinning mechanism and investigates why and how it has been used in SEE. Twinning has indeed been necessary for Croatia and Serbia, in that the weakness of their public administrations had to be improved in order for them to handle the requirements embedded in the *acquis communautaire*. Chapter 5 presents a brief history of NGO development in Croatia and Serbia and looks at how socio-political conditions have influenced the development of NGO-state relations. It also identifies a series of internal and external factors that have limited the impact of NGOs in both Croatia (retrospectively) and Serbia. It however concludes that the ‘Europeanization potential’ of NGOs must be acknowledged.

## Chapter 4: Twinning

### 4.1: Introduction

Compliance with the more than 100,000 pages of EU law, regulations and policy that make up the *acquis communautaire* (*acquis*) is a daunting task for EU candidates. Compliance is financially and politically costly and poses significant challenges to the administrative capacity of the candidates. Candidates must demonstrate they have the administrative structures in place to comply with the *acquis* in a timely fashion, and crucially, that they have the capacity to enforce the *acquis* after membership. Yet, as chapter 3 pointed out the institutional and administrative development of post-Yugoslavia Croatia and Serbia was hampered by procedural deficiencies, inter-ministerial competition, organizational mismanagement, partisan appointments and corruption. As a result, administrative reform has been an important element of Croatia's and Serbia's candidacies.

When the EU began to shift its attention eastward in the 1990s it understood that institution building and improving administrative capacities would be a critical part of their engagement with Central and Southeastern Europe. Indeed in its 1997 report on Agenda 2000 the Commission explained that it was 'important for the applicants' administrations to be modernised so that they can implement and enforce the *acquis*.' (European Commission, 1997: 61). From this recognition the EU's 'twinning initiative' was developed as 'an instrument for targeted administrative co-operation' (European Commission, 2009a). Twinning projects bring together civil servants from member and candidate state administrations to exchange technical and experiential knowledge, 'best practices', and to co-produce outcomes that help the candidate become *acquis*-compliant.

Yet, though widely used in all EU candidates, there has been little academic exploration of twinning projects, the variables that determine their success, or their impact on the accession preparedness of EU candidates (see Papadimitriou and Phinnemore, 2003; Tulmets, 2005; Grabbe, 2006). This chapter addresses this gap in the scholarship by investigating the use of twinning in Croatia and Serbia, paying close attention to the goals, activities, and outcomes of the twinning projects investigated, as well as the role perceptions and interactions of project participants. This chapter argues that the design and application of the twinning initiative stress an environment of voluntary cooperation and learning facilitated, but not controlled, by the state or the EU, making it a prime example of horizontal Europeanization. It argues that twinning is an effective mode of ‘Europeanizing’ candidate state actors through the exchange of specialized knowledge, norms, and pragmatic recommendations, and that as a result, twinning plays a significant role in the *acquis*-compliance of candidate states.

This chapter is structured as follows: Section two presents an overview of the twinning process, summarizing the requirements according to the twinning manual, and briefly looking at the twinning histories of Croatia and Serbia. Section three presents an overview of four twinning projects, two from each selected country in order to show the practical application of the twinning initiative. Based on interviews with project participants from the twinning projects presented in Section three, as well as primary document research and interviews with other key individuals, Section four discusses the key factors that impact the success of twinning projects. Section five argues that in light of these key considerations twinning projects generally accomplish their fundamental goals. Section 6 reviews the chapter’s arguments and concludes.

## 4.2: Overview of Twinning

In a 1995 *White Paper* on the feasibility of an eastern enlargement the Commission wrote that the main challenge for candidate states was not their ‘legal text, but in adopting their administrative machinery and societies to the conditions necessary to make their legislation work.’ (European Commission, 1995: point 3.25). Prior to the twinning initiative the EU had relied primarily on ‘traditional’ consultancy-led technical assistance projects, of which it had been generally dissatisfied with the results (O’Connor and Kowalski, 2005: 437; PLS RAMBØLL Management and Eureval-C3E, 2003). Thus in 1998 the EU introduced twinning to improve the impact of PHARE, strengthen the administrative capacities of the candidates, and ensure their ability to implement and enforce the *acquis* (O’Connor and Kowalski, 2005: 437). Due to their more advanced relationship with the EU, the CEECs were the first to benefit from the twinning initiative (ibid). Political instability and hostilities between the EU and several West Balkan countries prevented twinning projects from being initially offered to the region. However, the Commission would soon realize that institutions in SEE could benefit from ‘expertise from Member State administrations, as is being provided to the current candidate countries [CEECs]’ (European Commission, 2002a: 14). The initial twinning projects in SEE were focused on Justice and Home Affairs (European Commission, 2009a). However, as the relationship between the EU and SEE improved and the breadth of issues facing the region became more apparent, the scope of twinning projects expanded to cover many other *acquis* chapters.

Since 1998 over 1500 twinning projects have been implemented in EU candidates, potential candidates, and countries under the Eastern Neighbourhood Policy (European Commission, 2009a). As of January 2014, Croatia had been the recipient of 97 twinning, and 59

twinning light—shorter, less costly, and less involved—projects (see table 4.1). Although Serbia’s twinning experience started several years after Croatia’s, it has already completed 49 twinning projects. Each project was primarily funded through one of the EU’s funding schemes, PHARE, CARDS, or the Instrument for Pre-Accession Assistance (IPA). The CARDS and IPA funding programs were specifically designed to help the candidates and potential candidates of SEE, and have thus been the most significant for Croatia’s and Serbia’s reform efforts. In total, the EU has allocated over €105 million to Croatian twinning projects, and over €72 million to Serbia (Table 4.1). The sheer size of these funding programs coupled with the weak administrative status of many of the candidates (including Croatia and Serbia) has often required the Commission’s national delegations take on the initial responsibility of managing and allocating funds. When the candidates develop the necessary institutional layouts and administrative capacities, the responsibility and administration of these funds is ‘decentralized’ and given to national Central Finance and Contracting Units. In this way the EU maintains control of its funds during the initial phases of candidacy while also enticing the candidates to comply by incrementally transferring responsibilities.

Table 2: Number and Cost of Twinning Projects in Croatia and Serbia, 2001-Jan 2014

Program	Croatia			Serbia		
	TW	TWL	€ Spent	TW	TWL	€ Spent
CARDS 2001	5	0	5,393,255.00	*	*	*
CARDS 2002	13	0	10,42,180.00	*	*	*
CARDS 2003	10	4	8,818,699.54	*	*	*
CARDS 2004	12	3	13,234,092.78	5	*	~8,380,000
CARDS 2005	*	*	*	9	*	~15,200,000
CARDS 2006	*	*	*	4	*	~6,000,000
PHARE 2005	12	7	14,145,172.69	*	*	*
PHARE 2006	7	5	6,406,562.08	*	*	*
IPA 2007	12	10	14,669,714.40	6	*	~7,150,000.00
IPA 2008	6	15	10,453,302.95	7	*	~8,950,000.00
IPA 2009	14	8	13,331,817.75	0	1	~250,000.00
IPA 2010	5	7	6,591,590.46	4	1	~6,250,000.00
IPA 2011	1	0	1,700,00.00	7	*	~11,200,000.00
IPA 2012	0	0	*	7	2	~9,350,000.00
<b>Total</b>	<b>97</b>	<b>59</b>	<b>105,171,387.65</b>	<b>49</b>	<b>4</b>	<b>~72,730,000.00</b>

Source: Central Contracting and Finance Agency (CFCA) Croatia; EU Delegation to the Republic of Serbia

\* - Statistics not applicable or not available

The development and implementation of twinning projects requires a ‘triangular partnership’ between the Commission, the member state (MS) partner(s), and the beneficiary country (BC), wherein each partner’s influence and responsibilities vary depending on the project phase (Papadimitriou and Phinnemore, 2003: 11). The roles of each partner are clearly set out in the ‘twinning manual’, an EU published document that also establishes the general structure and guidelines for twinning. For instance, every twinning project is rooted in the EU’s and candidate state’s agenda—as conveyed through national frameworks and EU progress

reports—and is developed from jointly-agreed upon policy objectives (European Commission, 2012c). The EU plays a central role in the design of twinning projects, highlighting key policy issues, providing financial support, and endorsing projects that will deepen member-candidate state relations and best prepare the candidate to comply with the *acquis*. In its guidance capacity the EU maintains a level of control and influence over the candidate state's reform agenda while still upholding the principle that 'beneficiary countr[ies] retain ownership of the [twinning] project' (European Commission, 2012c: 11).

Twinning projects rely on the diffusion of influence and responsibilities to facilitate partnerships and an ethos of mutual responsibility. The twinning manual makes clear that twinning is a 'joint project of grant nature' not a 'one-way delivery of technical assistance from a MS [member state] to a BC [beneficiary country]' (ibid). Projects are not to be used as vehicles through which administrative systems and legislative frameworks are replicated in the candidates (ibid: 14). They require a firm commitment from all parties to achieve 'mandatory results'—operational goals that are connected with the *acquis* or other EU policies—combining experiential knowledge with contextual awareness to create policy, legislation, and procedures aligned with domestic and EU priorities. BCs must make practical commitments to supply twinning projects with adequate human and financial resources (ibid: 19). A firm and consistent political commitment is also needed to ensure operational standards and the adoption of policy and legislative outputs.

The BC is responsible for selecting its twinning partner(s) from a list of applicant member states. Each member state is able to propose its public or semi-public body (in cases where public administration is conducted outside state institutions) in charge of the policies relevant to a specific twinning project (ibid: 35). Each applicant must also commit to providing a

RTA, who will live in the beneficiary country for at least 12 months of the twinning project's duration (ibid: 15). RTAs are individuals from the member states' public administration who possess the technical knowledge and experience with EU regulations needed to address the BC's needs. While they are still contractually an employee of the member state's administration, their work is concentrated on the twinning project. The member state(s) must also provide a project leader based in the member state to help coordinate project logistics (ibid: 14-15).

During the selection process the EU advises the candidates and coordinates the release of twinning fiches and the collection of member state proposals (ibid: 21). While the EU facilitates this process, it does not choose the twinning partner, preferring that the choice be based on 'equal opportunity and transparency' (ibid: 38). Once the beneficiary organization selects a partner(s), they must jointly produce a project work plan and budget. These documents detail the project's goals, resource requirements, and implementation strategies. Each task necessary to achieve the mandatory results is detailed, and the responsible person or group is assigned (ibid: 18). Each budget item is connected with an *acquis*-related concern and scrutinized to ensure the project's feasibility. This level of detail is required to ensure operational fluidity and justify the project's budget to the authorizing officer (AO). Depending on the funding scheme and management structure, AOs are either a steering committee adjourned by the EU Delegation or the candidate's CFCA (ibid: 43). These bodies are responsible for approving project budgets and authorizing project work plans. In this regard, work plans and budgets may require multiple iterations before finally being approved.

Every twinning project is designed and implemented to meet very specific outcomes. Common twinning activities are study missions to member state administrations, external expert visits, local and regional networking conferences, procedure and systems development, and

policy and legislation writing (ibid: 18). Each task is aligned to a project benchmark—larger components that take longer to complete. Example benchmarks are the adoption of legislation or the production of a new training manual (ibid: 56).

In light of the administrative difficulties faced by BCs, as well as the ‘ambitious, large-scale, and lengthy’ nature of twinning projects, monitoring has become a substantial part of the twinning project cycle (ibid: 89-93). At quarterly intervals the PLs must submit a report to the AO evaluating the project’s progress (ibid: 91-92). Based on the report, the AO and project steering committee can recommend alterations to the project work plan or revise the project’s budget (ibid: 90). Further reviews may be conducted by the AO or Commission Delegation in consultation with project members. Once the project is concluded the PLs are required to prepare and submit a final project report to the AO (ibid: 93). This report must include an evaluation of the BCs situation before and after the project, explaining the project’s contribution to specific priority areas. It must also outline the long-term impact of the project, address the sustainability of results, and provide recommendations for the maintenance of the project’s results (ibid). A financial report outlining each of the project’s expenditures must accompany this report (ibid). The twinning project may then go through a final Twinning Review Mission 6-12 months after its finalization. These independent review missions report on the sustainability of results, gather ‘lessons learned’, and make recommendations for future twinning applications (ibid: 120).

The duration of twinning projects vary, although the implementation phases generally take a minimum of 12 months to complete. The design and implementation of these projects are heavily scrutinized by the EU and domestic authorities, and go through rigorous approval processes. The next section continues with the technical exploration of twinning, providing a brief but detailed account of four twinning projects. Special attention is paid to the projects’

goals, participants, and outcomes. From this investigation a more detailed analysis of the value and restrictions of twinning can be drawn.

### **4.3: Twinning: Example Projects**

This section will present an overview of four twinning projects, two from Croatia and two from Serbia. The motivations, participants, goals, budget, procedural logic, and if available, the outcomes of each project will be explored so that requirements and expectations expressed in the twinning manual can be evaluated in reality. These cases serve as the basis for much of the discussion to follow in sections 4.4 and 4.5, although additional interviews were conducted with participants outside of these projects. This exploration is important to understanding the linkage between twinning as it is imagined in the EU's twinning manual and the experience of project members in reality.

#### *4.3.1: Croatia*

##### CARDS 2004: Capacity Building and Development of Guidelines for the Implementation of the Water Framework Directive

Croatia is a country with abundant water resources, with the Danube River to the east and the Adriatic Sea to the south and west. As such Croatia has made the management of these bodies of water a priority. In 2000 the EU introduced a new directive, the Water Framework Directive (WFD), to harmonize and update water management throughout Europe. In order to facilitate the implementation of this directive Croatia sought out assistance from a twinning project. The main beneficiaries of this €1.2 million project were the Croatian Ministry of Regional Development, Forestry, and Water Management (MRDFWM) and Croatian Waters (HV)—a legal entity established to help with water management—and lasted from 2007-2009 (Delegation, 2007).

The beneficiaries selected the German Federal Ministry of Environment, Nature Conservation and Nuclear Safety (MENCNS), which had previously taken part in seven twinning projects focused on the implementation of the WFD, as their primary partner and the Dutch Governmental Service of Land and Water Management as a junior partner (Delegation, 2007; Participation of the German, n.d.). The project was multifaceted, seeking to harmonize Croatia's water management legislation and standards with the EU water *acquis*, as well as improve communication between the relevant stakeholders and strengthen their capacities to address the WFD (Delegation, 2007). The project stressed the value of information exchange and relied heavily on a series of 14 workshops and meetings between MS experts and their Croatian counterparts (Wfd-Croatia.eu, 2011e). In these workshops Croatian team members were exposed to new methodologies, solutions, assessment methods, and monitoring techniques that could help them better address their institutional and administrative shortcomings (ibid). These workshops were preferred over other activities because team members felt that they were the best medium to have deeper discussions about current issues and ways to address them (ibid). Croatian team members were also taken on study tours to Germany and the Netherlands where they learned practical knowledge about the equipment and methodologies used in the administration of the WFD, as well as the responsibilities of state, regional, and local bodies (Wfd-Croatia.eu, 2011a). An e-learning program was also organized by the twinning project to provide Croatian staff with an opportunity to deepen their understandings of EU water management (Wfd-Croatia.eu, 2011b).

The project also emphasized the importance of cooperation between state, regional, local, and non-governmental organizations. Project members maintained close contact with local universities and NGOs and opened up lines of communication with regional organizations and

similar projects in other candidate states (Wfd-Croatia.eu, 2011d). To improve public awareness the project also produced a number of topic-specific educational brochures, which were discussed with and made available to the general public (Wfd-Croatia.eu, 2011c).

The design and implementation of this project stressed the importance of knowledge transfers. The exchange of technical, practical, and experiential knowledge was made a priority and steps were taken to ensure that these exchanges were widespread and enduring. Civil servants, NGOs, universities, and regional organizations were included so that knowledge could be exchanged among a variety of actors. The emphasis it placed on establishing partnerships and communities of relevant stakeholders demonstrates a firm commitment to the fundamental principles of twinning. Moreover, it addressed the technical needs of the beneficiaries, exposing stakeholders to the methods and methodologies, equipment, organizational arrangements, and administrative requirements of complying with this EU Directive.

Shortly after the project's completion a final report was released that detailed the previous state of Croatian water management, the projects results, and recommendations for future implementations. In the report, team members acknowledged that the main beneficiaries, HV and MRDFWM, had limited knowledge about water protection and the ecological impact of their policy decisions (European Commission, 2009b: 23). The MRDFWM was criticized for being clearly understaffed; unable to supervise HV or sufficiently oversee the water *acquis* (ibid). As a result, project members recommended public administration reform, specifically changes to the recruitment, promotion, and training process, as well as the de-politicization of the civil service (ibid). Local and regional governments were also criticized for lacking the administrative capacity and technical knowledge to address water protection issues and for their reliance on commercial consultants with the interest and means to impose their interests on local

policy (ibid). In this regard, the project stressed the need for a coordination mechanism to improve cooperation between the various administrative bodies responsible for the implementation and enforcement of the water *acquis* (ibid: 48). The value of the project's training component was also questioned because few stakeholders outside of Zagreb capitalized on the opportunities, and relevant decision-makers were rarely present (ibid: 23, 48). However, the report also found that the twinning project fostered a cooperative atmosphere that encouraged the acceptance of EU 'ways of doing things' (ibid: 48). It was reported that all benchmarks and results were achieved, albeit with a one month extension and several amendments to the original work plan (ibid: 7). Section 4.4 will discuss some of the other considerations gleaned from this project.

#### IPA 2009: Strengthening the Capacities for Control of Transboundary Movement of Waste

Motivated by a series of poor evaluations, in 2012 Croatia applied for a multi-component project that sought to remedy its deficiencies in the fields of waste management, integrated pollution prevention and control, and noise protection (European Commission, 2014a: 6). The first component was a €1.16 million twinning project that assessed Croatia's current enforcement of legislation regarding the transboundary movement of waste and provided relevant stakeholders with new procedures to help them overcome their administrative deficiencies (Republic of Croatia, 2009). Additionally, because of the potential international ramifications of improper waste disposal, the project also focused on improving collaboration between relevant domestic actors and INTERPOL and EUROPOL (ibid).

The Environment Agency Austria partnered with actors from several Croatian ministries<sup>4</sup> to assess the existing system of enforcement in Croatia and recommend ways in which cooperation and coordinated enforcement could be improved (Ministry of Environmental and Nature Protection, 2012). Experts from Germany, Slovenia, Poland and Greece also contributed. Stakeholders from various national institutions were asked to complete a questionnaire on their education and knowledge about the transboundary shipment of waste, the results of which were compiled into a 'Training Needs Analysis'. (European Commission, 2014a: 10). Using this report, a 5 week training program was developed involving a series of indoor training presentations and discussions, as well as hands-on training at border crossings, railway stations, harbors, and other relevant sites (European Commission, 2014a: 10; Lorenz, 2012). Around 220 individuals attended these trainings, each stakeholder group having a custom session based on their unique needs and an opportunity to witness a compliant inspection (European Commission, 2014a: 17 Projektts.hr, 2012a). The project also produced a wealth of auxiliary material (manuals, DVDs, website, catalogues), available online, designed to share new ways to coordinate enforcement activities with the relevant stakeholders (European Commission, 2014a: 11; Lorenz, 2012).

In order to address the adoption of newly passed legislation the project was extended by 1.5 months (European Commission, 2014a: 11-12). When it was completed in April 2014 team members reported that all mandatory results were achieved, with no external obstacles (European Commission, 2014a: 9,11,14-19; Projekttsfs.hr, 2012b). The project's main aims were addressing the institutional complexity of Croatia's waste management system, harmonizing domestic and

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<sup>4</sup> Ministry of Interior – Border Police, Ministry of Finance – Customs Administration, Ministry of Defense – Coastal Guard, Ministry of Sea, Transport and Infrastructure, which entailed and the State Office for Radiation and Nuclear Safety

EU legislation, and forging links between the multitudes of relevant institutions. In terms of cooperation the Final Report stated that ‘the readiness of all project stakeholders to cooperate’ was the project’s ‘most notable’ accomplishment (European Commission, 2014a: 9). The report made sure to highlight that ‘the project’s mandatory results/benchmarks could not have been achieved without close and continued cooperation between all project stakeholders...[who] expressed their interest in continuing this cooperation in the future (ibid: 22). Croatia’s legislative template was also assessed, and recommendations were made based on some discrepancies between EU and Croatian legislation (ibid: 14). It was also key that the project paired its more technical focus on legislative assessments with a robust training component, therefore ensuring that stakeholders had the proper training and understandings to implement and enforce their new regulatory system.

#### *4.3.2: Serbia*

##### IPA 2011: Capacity Building for the Energy Agency

In its 2010 progress report the EU concluded that ‘the role and independence of the AERS [Serbian Energy Regulatory Agency] needs to be strengthened’ (European Commission, 2010: 47). Thus in June 2012 a €1.5 million twinning project between the AERS and the Regulatory Office for Network Industries of the Slovak Republic began (AERS.rs, 2014). The project aimed to build the capacities of the AERS to address commitments to its new Energy law (2011), the EU energy *acquis*, and amendments to the Treaty establishing the Energy Community (ibid). In order to accomplish this the project sought to support the development of secondary legislation, improve the regulatory practices of AERS, implement new operational procedures, provide staff with a firm knowledge base, and reorganize AERS based on the new legislation (European Commission, 2014b: 8).

To strengthen their technical and procedural understandings, prepare them to develop and implement regulatory policies, and proceed with the reform agenda of the energy sector, Serbian stakeholders were offered 48 training sessions and three study tours in the participating member states (Aers.rs, 2014). More practical issues were also addressed. Legal frameworks and operation practices were reviewed and new pricing methodologies and tariff systems were designed and implemented in compliance with the new energy law and EU legislation (European Commission, 2014b: 8). The project also sought to address the organizational and management deficiencies of AERS. The functions and structure of AERS was analyzed and changes to the organization, management, staffing, skill needs, and other resource requirements were recommended (ibid: 9). Attention was also paid to specific technical projects envisioned by the AERS, such as the implementation of smart meters (ibid).

The final report revealed overwhelmingly positive results. The project accomplished all of its six main components (ibid: 6, 17-21). It was also reported that throughout the course of the project BC and MS twinning partners were focused on cooperation and the smooth implementation of all planned activities (ibid: 15). There were no instances of personnel changes (despite an election) and members reported excellent cooperation and attention from both the RTA and AERS (ibid). The project was however extended by 2 months to allow BC project members time to tackle their twinning tasks in addition to completing their regular work.

As evidence of the progress of this twinning project the 2013 Serbia Progress report applauded the efforts of AERS to reform its management and procedural systems (European Commission, 2013: 31). In order to continue their progress, the Twinning Final Report noted that the staffing levels, independence, and capacity of AERS must be improved, recommendations that were immediately included in the AERS Management Plan (European Commission, 2014b:

22, 25). All indications point to this project being successful and of high value to AERS and Serbia's adoption of the *acquis*.

#### IPA 2012: Creation of a Monitoring, Reporting, and Verifying System for the Successful Implementation of the EU Emissions Trading System

The Republic of Serbia is party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. As such it has an obligation to develop systems to help it monitor, report, verify, and reduce its greenhouse gas emissions. To fulfill this obligation and comply with the EU's climate *acquis* a crucial step is transposing and implementing the EU's Emission Trading System (EU ETS). In September of 2013 Serbia addressed this issue by twinning its Ministry of Energy, Development and Environmental Protection (MEDEP) with colleagues from the French Ministry of Ecology, Sustainable Development and Energy, the German Federal Ministry of Environment, Nature Protection, Building and Nuclear Safety (MENCNS), and the Austrian Environment Agency (Ets-Serbia.info 2015).

The project had two main goals: developing the necessary legal framework to comply with the EU ETS and introducing the required institutional and procedural arrangements to establish and operate the EU ETS (ibid). The €1 million project broke its tasks out into 3 components, each addressing a different goal: legislation, structure, and capacity (ibid). Education and training was a significant part of this twinning project. Workshops were delivered to accreditation bodies and other state stakeholders about the basic principles of the EU ETS, how to produce emission reports, and how to get these reports verified. The project also held an awareness meeting with representatives from industries directly impacted by the EU ETS to explain the new reporting and monitoring guidelines.

Experts from across Europe came to support the drafting of laws and by-laws, preparation of monitoring and verification reports, and production of training and regulatory documents. The requisite laws and by-laws were adopted mid-project so trainings on the new compliance system could proceed.

This project was recently completed in September 2015 and according to its final assessment report the twinning project met all of its objectives, save one regarding the timely adoption of legislation by the BC (European Commission, 2015b). This is not to say that the project did not encounter obstacles. One internal problem that threatened the implementation of the project was ‘the reconstruction of the government’ (ibid: 11). As a result of this and other administrative issues in the BC several study visits were cancelled or rescheduled (ibid). Due to Serbia’s position as a candidate, project members also struggled to ‘transpose the binding character of the Commission’s decisions [relevant legislation] in the Serbian legislation’ (ibid: 10). As a result, there were serious discussions with legal services in Serbia, ultimately leading to the delays in legislation previously mentioned (ibid).

Regardless of the obstacles, project participants were satisfied with the mandatory results achieved. Twinning projects such as these offer a plan for practical and technical development, complimented by a significant emphasis on education and training. They demonstrate the importance of exchanging practical and experiential knowledge in addition to completing the necessary technical tasks.

#### *4.3.3: Beyond the Technical Side of Twinning*

The discussion thus far has explored the technical requirements of designing and implementing twinning projects. A review of the twinning manual has been presented so that the expectations and requirements of twinning are known. The management structure of twinning

has been described so that the administrative complexities of twinning can be better understood. Finally, individual projects have been detailed so that the actors, budgets, activities, and outputs produced by twinning can be analyzed. It would appear from this discussion that twinning projects meet the demands of their beneficiaries and the requirements of the EU.

However, reports by Birker, Cooper, Molander, and Pouchard (2000), the Commission (2002; 2012b), the European Court of Auditors (2003), and the German Federal Ministry of Economic and Technology (Bartels and Rach, 2009) have suggested that there are significant inconsistencies between the guidelines set forth in the twinning manual and the application of the twinning initiative on the ground. While there is consensus that twinning projects significantly improve the BCs' administrative capacities, and therefore contribute greatly to their reform processes, it is equally clear that the success of twinning projects vary. The next section discusses a set of key factors that impact twinning projects as gleaned from the cases above.

#### **4.4: Twinning: Key Considerations from the Cases**

From the design of the work plan to the publication of their final results, twinning projects rely on collaboration and open communication between many actors. To achieve its objectives twinning must be conducted in an environment where the focus is on cooperation, and the ideas of all participants are respected. Indeed, the policy, procedural, and legislative outputs of twinning projects depend on constant and productive interactions between all project members. RTAs and external experts must be able to effectively communicate their experiential knowledge and 'best practices' to their BC colleagues. Similarly, the BC project members should feel comfortable sharing their contextual and logistical understandings with the RTAs, and feel respected as equal partners. It is important that each project participant upholds the duties and responsibilities of their position, as outlined in the twinning manual, and puts forth a concerted

effort to develop partnerships with their colleagues and work in unison towards common goals (European Commission, 2012c: 18-20, 59-63).

#### *4.4.1: Role Perception, Personalities, and Misunderstandings*

Role perception and the compatibility of personalities greatly impact the development of twinning partnerships and the overall success of twinning projects. When project participants are made to feel inferior, misunderstand the purpose of twinning, or reject the expertise or input of their colleagues, the integrity and success of the twinning project may be threatened. Indeed, the collaborative environment envisioned by the twinning manual may erode if project participants are unable to overcome instances of disagreement and contention. In this regard there are many things that can contribute to negative role perceptions and mistrust throughout the twinning process.

A RTA in Croatia explained that individual misunderstandings, unhealthy working conditions, ineffectual interactions, and inadequate framing lead to apprehension towards twinning (Interviewee 3, 2014). As an example he cited instances where BC project members believed that the responsibilities of MS project members should be greater because of their higher wages (ibid). He explained that this misunderstanding was primarily caused by the inadequate framing of the project's ownership and failure by some members to accept the principle of co-production. However, misconceptions, as well as overzealous or overbearing project members contribute to negative role perceptions. To address misconceptions it is important that the contributions of BC project members are valued and that RTAs do not simply tell BC project members 'what to do' (Interviewee 3, 2014; Interviewee 4, 2014). An RTA in Serbia confirmed that RTAs should avoid developing a 'teacher-student' approach to their BC

colleagues (Interviewee 17, 2014). It is important for each project member to feel respected and involved in order to develop a sufficient level of ‘buy-in’.

Age also impacts the beliefs and attitudes of BC project members’ vis-à-vis twinning and their MS colleagues (Interviewee 3, 2014; Interviewee 7, 2014). Younger project members tended to be enthusiastic and excited to work with their MS colleagues, whereas older members were generally more settled and rigid in their beliefs about policy and practice (ibid). Older members were more likely to see the twinning process as ‘not Croatian’, a sentiment the EU strives to address in its consultation with project members (Interviewee 3, 2014).

Just because beneficiary organizations choose their partners does not mean that team members will get along or that partnerships are inevitable (Interviewee 18, 2014). The development of trust and cooperation, project productivity, and the sustainability of relationships all depend on the personalities of twinning project members. Building trust and establishing partnerships takes time and, in the case of twinning, language barriers can cause initial frustrations (Interviewee 16, 2014). However, transcription services are in place to overcome language barriers, allowing trust to build through continual and productive communication. Thus the development of productive twinning relationships is determined by individual motivations, levels of buy-in, acceptance of tasks and goals, respect for others, and a belief in the merits of twinning.

#### *4.4.2: Project Management*

With that being said, a number of things contribute to unhealthy working environments and personality clashes. Another key factor is effective project management (Interviewee 11, 2014). Without proper management, tasks and responsibilities can be overlooked leading to friction between project members. A former assistant director of twinning at Croatia’s CFCA

explained that the more people and money involved in a twinning project, the more likely problems will arise (Interviewee 8, 2014). Proper project management prevents the stress of twinning and personality conflicts from leading to financial mismanagement and unfulfilled project goals.

#### *4.4.3: Political Will*

The success of twinning projects also hinge on the presence of sufficient political will from all appropriate layers of government. Fundamentally, the beneficiary organization must provide adequate human and financial resources to support the daily operations of its twinning project. And while this may demonstrate a degree of internal support, a lack of consensus in the direction, internal disagreement about project needs, and instances where inter-agency cooperation is necessary (i.e. multiple beneficiaries) can threaten project timelines and ruin internal chemistry. Due to their partisan systems of civil service appointment and complex institutional linkages, institutions in Croatia and Serbia tend to be protective of their competencies and in some instances individuals may subvert efforts to cooperate if it means maintaining positions of importance and influence.

It is fundamental that the upper echelons of government support the aims of twinning and ensure that outputs are accepted and implemented accordingly. Although these officials rarely become directly involved in individual twinning projects, they must be committed to cultivating relations with member states and open to the recommendations of external experts. The latter point is especially important in cases where the recommendations made by twinning projects challenge status quo arrangements or force otherwise autonomous organizations to cooperate in areas previously under their sole authority. In these cases, politicians and civil

servants may be unwilling to accept the changes suggested by twinning, and may act to undermine or slow individual projects.

A number of interviewees expressed concern that high-level politicians were unaware of the value of twinning and commit little time to understanding the opportunities it affords (Interviewee 4, 2014; Interviewee 11, 2014; Interviewee 13, 2014; Interviewee 18, 2014). Many politicians simply see twinning as a means to an end without understanding the true purpose of the initiative (Interviewee 2, 2014; Interviewee 8, 2014). One former project member from Croatia claimed that politicians were more concerned with financial resources than the methods used to implement the EU's requirements (Interviewee 12, 2014). Their attention to twinning is output-driven, as long as twinning produces results that the EU views as essential then they are content with the image of cooperation offered by twinning (Interviewee 2, 2014). In order to overcome these misunderstandings and foster interest in twinning an RTA in Serbia stressed the need for constant communication with all levels of stakeholders (Interviewee 17, 2014). Furthermore, the way the EU frames and discusses twinning with these politicians is crucially important, and gives legitimacy to twinning (Interviewee 14, 2014).

Political turnover and reorganization can also affect the political commitment to changes brought about through twinning. One BC project member indicated that it was particularly hard to ensure domestic buy-in when personnel and administrative structures are in a state of constant flux (Interviewee 4, 2014). Similarly, an individual from the Commission's Representation in Croatia explained that political turnover also affects whether twinning outputs are accepted and implemented accordingly (Interviewee 5, 2014). For instance, a legislative output may be acceptable to one group of politicians and bureaucrats but not others, leading to rewrites and changes that depart from the initial recommendations. A steering committee member from

Croatia echoed these sentiments, further explaining that political turnover and ministerial restructuring makes the twinning project cycle much longer and cumbersome due to the need to secure the ‘buy-in’ of additional stakeholders (Interviewee 6, 2014).

#### *4.4.4: Member State Commitment*

A genuine commitment must be reciprocated by the partnering MS(s). The intentions of the MS must be to help their candidate state colleagues (European Commission, 2012c: 20). The MS must be committed to developing deeper administrative cooperation with the BC and is contractually obligated to work together with the BC to produce context-specific solutions that bring the BC closer to *acquis*-compliance (ibid). The importance of achieving mutual BC and MS buy-in cannot be understated. Indeed, an individual from the EU Delegation to Serbia explained that the absence of a genuine commitment from BC and MS partners was the leading cause of tension in twinning projects (Interviewee 1, 2014). Twinning has also been used inappropriately by MS to extend their policy and procedural frameworks and increase their regional sphere of influence (Interviewee 2, 2014; Interviewee 20, 2014). However, this is in direct contradiction with the tenets of twinning. Twinning does not aim to replicate any individual MS administrative system (European Commission, 2012c: 14), nor be used by the BC as a means to please the EU or its member states. Twinning requires a sincere commitment from the MS and BC to develop partnerships, and foster cooperative working environments where *acquis*-aligned reforms can be generated.

In this regard, interviewees from both countries stressed the importance of having competent and committed RTAs (Interviewee 9, 2014; Interviewee 10, 2014; Interviewee 19, 2014). An ideal RTA has not only a wealth of practical and experiential knowledge, but also contextual understandings about the specific needs of the BC (Interviewee 10, 2014; Interviewee

17, 2014; Interviewee 19, 2014). The twinning manual requires that an RTA have at least ‘three years’ experience in activities related to the implementation of the EU *acquis* in the area covered by the Twinning project fiche’, a university-level education, and a command of English, German, or French (European Commission, 2012c: 15). The RTA is meant to be an independent source of information and support, acting only in the interest of the beneficiary organization and the EU (ibid: 17). It is also necessary for an RTA to have the will and management skills to develop consensus among project members and ensure operational integrity (Interviewee 11, 2014). A former head of operations at the EU Delegation to Croatia commented similarly that it was important that the RTA be someone who ‘does this on a daily basis’, who has the administrative experience, and who can articulate pragmatic recommendation based on those experiences (Interviewee 9, 2014). He insisted that having individuals such as this were fundamental to the credibility and validity of the twinning mechanism, and crucially, what differentiated twinning from service contracts (Interviewee 9, 2014). In this regard, having the right people in place from both the MS and BC is essential to project cohesiveness and buy-in.

A key consideration is whether MS partners have the desire or ability to send their best experts, and whether if not, private consultants may be a better option than twinning (Interviewee 11, 2014). Questions about the quality of MS participants were echoed by several interviewees (Interviewee 9, 2014; Interviewee 12, 2014). As an RTA in Croatia recalled, competent MS civil servants may be initially dissuaded from becoming RTAs due to concerns with relocation logistics—housing, schooling, and family accommodation—and initial language barriers (Interviewee 7, 2014). In regards to MS commitment, he went on to express his belief that MSs lack the incentive to send their best experts, and that even if there were the incentive, MSs cannot afford to lose their experts to twinning (ibid). A former official at the EU Delegation to

Croatia contextualized this issue slightly differently, explaining that although sending staff and experts to BCs is a sacrifice for MSs, the value of improving foreign relations, validating domestic systems, and increasing spheres of influence outweigh this cost (Interviewee 20, 2014).

#### *4.4.5: Beneficiary Preparedness*

A prerequisite for all twinning projects is that the beneficiary organizations are prepared to take on the rigors of twinning and have an understanding of what twinning requires (European Commission, 2012c: 12; Interviewee 9, 2014). However, in SEE, periods of prolonged administrative reform, political uncertainty, and institutional restructuring during the initial phases of candidacy have challenged the ability of BCs to meet these basic levels of preparation across policy areas (Interviewee 9, 2014 for state of Croatia). Moreover, the demands of understanding and complying with individual *acquis* chapters overwhelm staff who already have other work commitments and responsibilities (Interviewee 4, 2014; Interviewee 6, 2014; Interviewee 7, 2014). For this reason, a number of interviewees believed that beneficiary organizations initially struggle to understand the necessity and purpose of twinning, and have a hard time adapting to the increased demands on their resources (Interviewee 8, 2014; Interviewee 9, 2014; Interviewee 13, 2014). They felt that beneficiary organizations were ill-prepared to handle twinning during the initial phases of candidacy and suggested twinning may be more useful once candidates had developed modern administrative practices and are closer to membership (Interviewee 9, 2014; Interviewee 13, 2014). These issues confront both state and local twinning partners. In 2005 the EU noted that several Croatian institutions lacked the staff and authority to handle their responsibilities effectively (European Commission, 2005a), while in 2010 similar statements were made about the capacity of local and regional organizations (Enlargement Directorate General, 2010).

Sometimes capacity issues are caused by a simple lack of human resources. An RTA working in Serbia was surprised when he found that only four people in the Serbian bureaucracy worked on climate change, where in his home country over 100 people specialized in climate change (Interviewee 2, 2014). In other instances, capacity issues were exacerbated by complex administrative set-ups and internal hiring freezes. A steering committee member and PL working in Croatia referenced instances where two ministries shared authority over a policy domain, causing conflict and internal disagreements over roles and responsibilities (Interviewee 6, 2014; Interviewee 14, 2014). This tension was exacerbated by a hiring freeze put in place by the government (Interviewee 6, 2014; Interviewee 14, 2014).

#### *4.4.6: Administrative Complexity*

The administrative requirements and complexities of twinning were found to be burdensome and overly technical (Interviewee 2, 2014; Interviewee 3, 2014; Interviewee 4, 2014; Interviewee 5, 2014; Interviewee 7, 2014; Interviewee 8, 2014). Concerns about the start-up processes, inflexibility of the work plan, procedural requirements, and timing constraints were common among interviewees (Interviewee 2, 2014; Interviewee 7, 2014; Interviewee 17, 2014; Interviewee 18, 2014). Multiple interviewees found that the start-up procedures, specifically enforcing the start date, receiving the necessary training, and beginning work presented problems (Interviewee 2, 2014; Interviewee 7, 2014). Others found the work plans and twinning contracts too rigid to deal with the unique and unexpected issues that arise during a project's life cycle (Interviewee 4, 2014; Interviewee 7, 2014). Rigid administrative requirements and multiple layers of authority made changes to the work plan in light of any new concerns quite difficult (Interviewee 7, 2014). This is problematic because, as one BC project member explained, many

beneficiary requirements are not learned until project members begin interacting and a more thorough knowledge of their needs are developed (Interviewee 4, 2014).

There were similar doubts about the utility of the twinning manual in ‘real life’ (Interviewee 18, 2014). An RTA working in Serbia believed that twinning projects should be able to deviate more from the twinning manual and work plans so that more focus can be put on contextual factors and issues that develop in the midst of a project (Interviewee 2, 2014). The strict timing requirements were particularly troublesome for RTAs working in both Croatia and Serbia (Interviewee 7, 2014; Interviewee 17, 2014). They felt rushed and found deadlines challenged the ability of projects members to complete daily and twinning tasks (Interviewee 7, 2014; Interviewee 17, 2014). Naturally, when an already deficient organization is asked to address their issues while also maintaining their everyday tasks, problems can arise.

From this discussion it is clear that many factors influence the way twinning projects operate. While the twinning manual provides insight into the technical requirements of twinning, the importance of personality, role perception, political will, and administrative preparedness cannot be overlooked. It is important to note that the significance of each factor varies from project to project. In the next section, the value and contributions of twinning are explored. It is argued that although internal and external factors influence the management and operations of twinning projects, the exchange of experiential knowledge and ‘best practices’, development of civil servant partnerships, and the production of outputs, which improve the administrative capacities of candidates and align their systems with the *acquis communautaire*, still occur.

#### **4.5: Twinning: Results Achieved**

At their core twinning projects aim to improve the administrative capacities of the BC, foster administrative cooperation between BC and MS, and produce ‘mandatory results’ aligned

to ‘jointly agreed policy objectives’ and the *acquis communautaire* (European Commission, 2012c). One former RTA likened twinning to a ‘catalytic process’ by which MS help BCs overcome specific problems with the *acquis* (Interviewee 3, 2014). Although, as section 4.3 pointed out, there are a number of factors that impact these objectives, interviewees largely agreed on the value and contribution of twinning. This section outlines these contributions, highlighting the fact that although results vary, twinning is still a productive mode of Europeanization, improving the candidates’ administrative capacities and aligning their policies, practices, and legislation to the EU *acquis*.

Twinning facilitates knowledge transfers, the clarification of requirements, the introduction of new methodologies and approaches, the development of partnerships and communities, the inclusion of multiple stakeholders, and experiential exchanges. The value of twinning in this regard was affirmed universally by the interviewees. The exchange of operational and procedural knowledge is an essential part of improving the administrative capacities of candidate states such that they can confidently implement the EU *acquis*. As one interviewee explained compliance with the *acquis* requires the candidates to address issues and implement directives that they are unfamiliar with (Interviewee 16, 2014). Through twinning, RTA and MS staff were able to clarify specific requirements and offer procedural advice on how to best organize and manage these new obligations (Interviewee 21, 2014). They were able to guide BC members through the technical requirements of EU directives and suggest ‘tried and tested’ solutions. This involved the development of new methods and approaches, and the introduction of new technologies (Interviewee 7, 2014). MS team members recommended the creation of new legal entities and mechanisms of control, and the harmonization of legislation and institutional reorganization (Interviewee 1, 2014). Regardless of what was ultimately

produced as a ‘mandatory result’, BCs can be confident that they were based on systems and practices accepted by the EU (Interviewee 2, 2014).

Equally important, MS project members shared their experiences designing and implementing systems and procedures compliant with EU requirements (Interviewee 13, 2014; Interviewee 19, 2014). In this way beneficiaries learned how to ‘be in the EU’ and adapt their practices to meet EU legislation (Interviewee 9, 2014). They became familiar with EU practices, procedures, and ways of thinking, and assessed the compatibility of their norms, values, and understandings based on new information. Positive and negative experiences were shared with the BCs so that they can avoid unforeseen hazards and confidently confront future challenges (Interviewee 12, 2014; Interviewee 17, 2014). Learning about how EU-accepted reforms work in practice allowed BC’s to avoid incomplete reform measures, saving them time, money and human resources (Interviewee 17, 2014; Interviewee 20, 2014).

Knowledge transfer during twinning is not a one-way process. The issues addressed by twinning transcend borders (waterway management, migration, border security, etc.) and thus much can be learned from the way different countries are affected and respond to these issues (Interviewee 20, 2014). For this reason several interviewees believed that all project members took part in a two-way learning process (Interviewee 2, 2014; Interviewee 7, 2014; Interviewee 17, 2014; Interviewee 20, 2014). While their national systems and arrangements are institutionally engrained and protected, MS project members were encouraged to reassess their own practices and institutional weaknesses based on their twinning experience (Interviewee 7, 2014). An RTA working in Croatia explained that candidate states often take EU directives more seriously than member states and therefore may actually be more forward thinking about how to address EU requirements (Interviewee 7, 2014). Furthermore, no MS system or practice is ever

totally set, and thus as they are exposed to new information and contexts MS project members learn (Interviewee 20, 2014).

The benefits of twinning and private technical assistance are often weighed against each other. Although these mechanisms often complement each other they have fundamentally different aims, and serve distinct purposes. As one DG Enlargement and former EU Delegation to Croatia official reduced it, the selection of private consultations or twinning projects depends on scope; one is not necessarily better than the other (Interviewee 20, 2014; also Interviewee 3, 2014). Private contractors are appropriate for very specific and technical tasks such as system programming and IT development (Interviewee 3, 2014; Interviewee 6, 2014; Interviewee 11, 2014) and are often very useful prior to the implementation of a twinning project (Interviewee, 9, 2014; Interviewee 13, 2014). This is because, as one interviewee put it, ‘the candidate country must grow to a specific level when twinning starts to make sense’. (Interviewee 9, 2014). In the beginning of candidacy it was suggested that twinning may not be the most appropriate instrument, that ‘standard service contracts...can do the job more efficiently’ because at the early stages of candidacy ‘beneficiar[ies] are not at the level to be a really effective partner[s]’ (ibid). However, service contracts offer little chance for the beneficiary organization to forge cooperative partnerships or address underlying administrative deficiencies. (Interviewee 3, 2014; Interviewee 6, 2014). Moreover, as the Secretary General of Serbia’s Energy Agency commented, while consultants ‘have deeper knowledge’ they often ‘try to give you the minimum for as much cash as possible’ (Interviewee 19, 2014). Without the necessary administrative and political reforms however, beneficiary organizations may become dependent on these often pricey contracts (Interviewee 3, 2014).

Private consultants and standard service contracts play a valuable role in preparations for membership, however as one former head of operations at the EU Delegation to Croatia recalled, ‘once the candidate country has the basics laid down, some foundations laid, then what we saw was twinning was much more effective than the standard service contract with external consultant’ (Interviewee 9, 2014). Unlike private consultant contracts, twinning addresses the underlying administrative needs of beneficiary organizations and encourages the development of deep and sustainable communities of civil servants (Interviewee 3, 2014). Important links are created between agencies and individuals with similar job profiles, interests, goals and responsibilities (Interviewee 18, 2014). Historic linkages between member and candidate states are renewed and regional cooperation solidified (Interviewee 14, 2014; Interviewee 3, 2014). In fact, a former assistant director of twinning at Croatia’s CFCA argued you need only look at the organizations volunteering to be twinning partners to assess the sustainability of relations (Interviewee 8, 2014). Familiar organizations seek one another out due to foundations laid during twinning projects. Another interviewee described instances where twinning partners go on to work together at the regional and EU level (Interviewee 9, 2014). ‘Friendship-like’ relationships develop, allowing them to have informal discussions about professional issues and ideas that equally affect all EU and EU-aspiring countries (Interviewee 6, 2014).

Another result of twinning is the inclusion of a more diverse set of stakeholders in the traditionally state-centered, elite reform processes. The policies addressed through twinning impact more than just state officials and therefore benefit from the inclusion of a more complete set of relevant stakeholders. An RTA working in Croatia argued that state administrations may tell ‘fairy-tales’ and that by involving NGOs a more ‘realistic, honest picture of the situation’ can be drawn (Interviewee 3, 2014). The insights and ‘grassroots’ knowledge gathered from non-

governmental actors help twinning projects understand the ways policies are implemented, enforced, and refined at the ground level. It was argued that in the case of NGOs, these actors were particularly excited and willing to participate in twinning activities (Interviewee 4, 2014). In one instance an RTA reached out to universities so that future generations of consultants, civil servants, and NGO members would understand and be prepared to maintain current practices and modify them if made necessary by future EU directives (ibid). The inclusion of these non-governmental stakeholders speaks to the legitimacy and sustainability of twinning results. By including these actors the twinning process can be perceived as more legitimate, and by educating future generations of relevant stakeholders twinning projects can better ensure the sustainability of results.

The ‘mandatory results’ of twinning, be they new legislation, institutional reorganization, or procedure and system change, also seem to be sustainable. There has been little research to indicate policy backsliding or incomplete compliance in Croatia since membership. The last comprehensive report on twinning in Croatia from 2008 found that ‘despite an institutional and procedural context which is not yet fully integrated, twinings generally function effectively’ (MWH Consortium, 2008: 9). Moreover, the report concluded that the problems identified were ‘common to all candidates’ (ibid). No similar exploration of twinning in Serbia has been conducted. However, multiple interviewees confirmed that twinning was an effective and useful tool and expressed hope that its usage would continue to expand (Interviewee 17, 2014; Interviewee 18, 2014; Interviewee 21, 2014). As the Secretary General of the Serbian Energy Agency summarized the sustainability of twinning results, ‘knowledge is there...secondary legislation is in place and operational...and procedures are updated or on the way to being formally updated’ (Interviewee 19, 2014).

Twinning is founded on the idea that through constant communication, negotiation, cooperation and learning—principles of socialization and horizontal Europeanization—tailored solutions can be developed that improve the BCs’ capacities to meet EU requirements. Regardless of whether ‘mandatory results’ are achieved, it is clear that twinning provides a valuable opportunity for BC and MS project members to exchange knowledge and experience (Interviewee 9, 2014). For the BC this exchange is fundamental to the improvement of their administrative capacities. By improving their administrative capacities and knowledge of EU requirements candidates are better prepared to understand, implement, and enforce the *acquis communautaire*. For MS partners, twinning gives them an opportunity to assess their own systems and practices, and learn from the application of EU requirements in different contexts. The significance of this two-way learning and information exchange cannot be over stressed.

#### **4.6: Chapter Conclusion**

Twinning projects are a productive mode of cooperation between government organizations and agencies in the member and candidate states. They allow candidate states a level of control over the way EU rules and regulations are implemented and lay the groundwork for deeper candidate-member state cooperation. Twinning also gives member states the opportunity to advance their ‘best practices’ and regulatory systems. The prevalence of twinning in Croatia and Serbia makes clear that twinning is an important part of the Europeanization of the EU candidates. Moreover, it demonstrates an evolution in the way the EU approaches its candidates and addresses their political and administrative shortcomings. Projects rely on a more voluntary and cooperative process of adjustment than suggested by traditional notions of ‘top-down’ Europeanization and conditionality. The significance of knowledge transfers and the exchange of ‘best practices’ make it a primary example of adjustment through socialization and

horizontal Europeanization. More conclusions and implications from the data conveyed here will be discussed in Chapter 6 and 7, but first to reiterate a few points.

The design and administration of twinning projects is complex and rigorously scrutinized. Projects are built around the jointly agreed policy objectives of the EU and BC, and must strive to strengthen the administrative capacities of the BC such that they can better transpose and enforce the *acquis* (European Commission, 2012c: 11). Twinning partnerships require firm commitments from both MS and BC partners in order to generate ‘mandatory results’ (ibid). Projects do not replicate any particular administrative system but rather aim to develop custom solutions that are grounded in MS best practices and the specific requirements and limitations of the BC (ibid). Detailed work plans are developed, which outline a project’s budget, goals, and activities, as well as the responsibilities of each participant (ibid: 54). Each activity is connected to a specific *acquis*-related concern to justify its inclusion (ibid: 18). Monitoring activities are frequently conducted by the EU and domestic actors, and reporting is a significant task for team members (ibid: 89-90). Upon completion senior project members are required to assess the contributions of their project and present their findings to relevant stakeholders (ibid: 93). Projects are also subject to final review at the discretion of the Commission.

While guided by a set of overarching principles and technical requirements, twinning projects involve human beings and thus are influenced by personality, role perception, mismanagement, attitudes, misconceptions, and will (Section 4.4). In this way twinning supports social constructivist, agent-centered claims that the nature of interactions between actors has a significant influence on policy preference and compliance (Checkel, 2001b; Risse, 2004). Indeed, the empirics demonstrate that twinning is yet another ‘mechanism through which, institutions in Europe socialize states and state agents, leading them to internalize new roles or

group-community norms' (Checkel, 2005: 802). In other words, while EU norms and values are certainly reinforced by 'strategic calculation' and 'the high and tangible reward of EU...membership' (Schimmelfennig, 2005: 855), mechanisms of socialization, such as twinning, help explain how EU norms evolve to become policy and legislative solutions in the candidate states.

Instances of twinning also demonstrate that the success of socialization, in this case the strength of partnerships between MS and BC project members, the quality of policy and legislative outputs, and the transfer of norms and understandings, depend most significantly on the actors involved (confirmed by Interviewee 3, 2014). The way MS and BC team members perceive themselves and their colleagues has a tremendous impact on their buy-in and willingness to cooperate. Misconceptions about the wages, motivations, and competence of individuals threaten the compatibility of team members. Age and pride also influenced role perception and views on the merits of twinning. Older, more established team members may be resilient to change, while young members are often excited by the exposure to foreign systems, procedures, and knowledge.

Twinning projects also do not occur in a political vacuum. The availability of human and financial resources, administrative and management tasks, and the acceptance of outputs are all subject to the will and support of high-level decision-makers. With the help of the EU, twinning members promote the values and improve awareness of twinning. However, it is unclear whether high-level decision-makers actually understand twinning, or rather, care about twinning as a means as long as the ends are met.

Twinning is also administratively burdensome and procedurally inflexible. Work plans and twinning contracts are difficult to change in light of new observations and unforeseen

complications. BC team members struggle to complete their normal workload in addition to their twinning tasks. Project deadlines add stress and difficulty to this process.

The interviewees also expressed confidence in the merits of twinning and satisfaction with its outputs (Section 4.5). Procedures are changed, institutions reorganized, legislation adapted, and crucially, practical and experiential knowledge exchanged. MS partners clarify the procedural, administrative, and legislative requirements of the EU-*acquis*, while also conveying the knowledge and experience they gained working in compliant systems. BC project members learn how systems must function and be maintained in the EU. The norms, values, and understandings of all project members are challenged based on these interactions.

With their new knowledge and understandings candidate state beneficiaries are undoubtedly better prepared to meet the obligations of EU membership. Mechanisms of horizontal Europeanization, such as twinning, have emerged as important additions to the EU's toolkit of influence. While undoubtedly important in the design and monitoring of twinning projects, the EU's role in the application of twinning projects is minimal. It arranges the environment for twinning and provides the necessary financial backing/incentive—in this way 'facilitating' Europeanization. Indeed, the candidates and potential candidates of SEE desperately need the financial and technical resources provided for these activities and they no doubt lean on them heavily during their roads to EU membership. However, the presence of the EU alone does not signify the use of top-down Europeanization. In practice, twinning is a mechanism of Europeanization that operates outside the typical 'top-down – bottom-up' Europeanization debates.

Twinning projects rely on principles of trust, collaboration, and partnership, not coercion, conditionality, and incentives that underpin top-down processes of Europeanization

(Schimmelfennig and Sedelmeier, 2004). It is not a ‘one-way delivery of technical assistance from MS to a BC’ but rather a ‘joint process, in which each partner takes on responsibilities’ (European Commission, 2012c: 11). The presence of actors from member states differentiates twinning from processes of bottom-up Europeanization, although interviewees did suggest that MS project members were influenced by BC norms and processes (Interviewee 7, 2014). Work plans, activities, and outcomes were produced through processes of debate, joint decision-making, and constant collaboration between MS and BC actors acting autonomously from state or EU direction. Twinning represents a horizontal form of Europeanization based on fundamentally different normative understandings of actor interaction, governance, and policy-making vis-à-vis the top-down – bottom-up dichotomy. Supported by the empirics above, this horizontal form of Europeanization contributes to a more complete rendering of the processes of compliance, policy-making, and Europeanization undertaken during EU candidacy.

In the next chapter the inclusion of NGOs during the candidacies of Croatia and Serbia is discussed. Similar to twinning, the influence of NGOs during accession is not well explained by conditionality or ‘top-down’ Europeanization. Thus Chapter 5 analyzes the ‘Europeanizing’ role of NGOs.

## Chapter 5: NGOs and their Europeanization Potential

### 5.1: Introduction

The synergy between state institutions and NGOs has never been more vital to the EU-aspirations of the former Yugoslav republics. While these countries have repeatedly affirmed their desire to join the EU, Commission President Jean-Claude Juncker's speech to the EP suggested that the EU would focus on 'deepening' itself rather than 'widening', seemingly ruling out an enlargement during his mandate (Juncker, 2014). Moreover, the Commission's 2014 enlargement strategy gave little indication that another enlargement period was imminent (European Commission, 2014c). The candidates and potential candidates of SEE also face internal obstacles. Thus far deficient institutional practices, political resistance, and lagging public support have challenged the abilities of these countries to make the substantive reforms necessary to meet the EU's *acquis communautaire*. It is here where the benefits of deeper NGO consultation are most apparent.

NGOs are thought to possess the issue-specific knowledge and grassroots connection lacking in formal state structures. Moreover, their position as mediators between local, state, and supranational forces allow them to serve as a legitimizing body, offering alternative solutions and local perspectives to the wider policy-making process (O'Brennan, 2013: 32). They are thus crucial to EU and domestic efforts to legitimize the policy reforms necessary for EU membership. Yet, the influence of NGOs from SEE is constrained by internal disorganization, sustainability concerns, human and financial resource shortages, public distrust, and weak intra- and cross-sectoral networking. Restrictive funding requirements and international questions of legitimacy also present obstacles for regional NGOs. Using Croatia and Serbia as case studies this chapter investigates whether the international and domestic conditions are currently

conducive to allow NGOs a bigger role in these processes. It reports on how internal and external obstacles have stunted the growth of NGOs in SEE, prevented institutionalized relationships from developing between NGOs and the state, and limited NGO participation in the accession processes of Croatia and Serbia. Crucially, it also highlights the ‘Europeanization potential’ of these organizations and suggests that the environment for NGO collaboration and influence is improving. This discussion is critical to understanding the ways membership-required policy reforms are debated and implemented in an age of so-called ‘EU enlargement fatigue’. Moreover, it demonstrates that Europeanization is indeed a process that involves multiple mechanisms of influence and an increasingly large pool of actors at sub-national, state, and supra-national levels.

The remainder of this chapter is organized into four sections. The next section presents a brief history of Serbian and Croatian NGO development since the dissolution of Yugoslavia. Section three discusses several of the issues faced by Croatian and Serbian NGOs. Section four has a more positive tone, laying out the Europeanization potential of these groups, and the reasons why we must acknowledge the importance of their efforts during EU accession. Section five concludes with a reflection on the chapter’s main points.

## **5.2: Croatian and Serbian NGOs—A Brief History**

In order to understand the role of NGOs in the EU membership preparations of Croatia and Serbia it is important to look first at the evolution of NGOs and their relationship with the state since the collapse of Yugoslavia. The following section traces the development of Croatian and Serbian NGOs since the mid-1990s and discusses historical and recent trends in their cooperation with government.

### *5.2.1: Croatian NGOs*

A half-century of communism followed by a decade of near totalitarian rule limited the development of NGOs in Croatia. Under communism citizens were dependent on government intervention to solve individual and community problems, thus limiting their experience and understanding of the notion of civic association. Unsurprisingly, many Croatia NGOs were established during Croatia's 'Homeland War' from 1991-1995 with the support of foreign organizations and donors (Bezovan, 2001). They were primarily focused on providing support to displaced persons and highlighting wartime atrocities (ibid). However, many struggled to handle the influx of foreign aid and relied heavily on foreign technical and operational support (ibid: 1). As the situation in Croatia and the region deteriorated citizens withdrew from civic associations in order to deal with family issues and other problems caused by the war and subsequent economic crises (ibid). Due to internal instability and their relief-based focus few of these early Croatian NGOs managed to survive beyond the wartime period (ibid).

During the second half of the 1990s NGOs came to represent a significant part of the political opposition. Under the rule of Franjo Tuđman NGOs were actively demonized by the state and presented in the state-run media as 'anti-Croatian' and foreign agents. NGO-state cooperation was thus limited and often very contentious (ibid: 1-2). Politicians and citizens alike lacked understanding about NGOs and the governments' smear campaigns successfully turned public opinion against NGOs. As a result NGO development and their relationship with the government during this period were stagnant. Indeed, the legal status of NGOs was not formalized until the 1997 Associations Act, which regulated the establishment, registration, and activities of NGOs (Bežovan, Zrinščak, Vugec, 2005: 18). However, the government was unwilling to accept the recommendations of independent experts or individual organizations and

challenged several amendments made by NGOs (ibid). In fact, this act actually codified the government's ability to monitor NGOs and suspend them if they suspected an organization of conducting activities that violate the constitution or any law (Bardos, 1999: 180). Under foreign pressure the government would go on to establish the Association Office of the Government of the Republic of Croatia in 1999 (ibid). The Office improved the transparency of NGO state funding and organized a series of development workshops attended by NGO, state and local representatives (ibid). Nevertheless, it would still be several years before the social and political environment of Croatia was conducive to deeper NGO-state relations.

With Tuđman's health deteriorating and the HDZ facing stronger public opposition NGOs were particularly active prior to the 2000 general election. Organizations such as *Gradani organizirano nadgledaju glasanje* (GONG) encouraged voter participation and mobilized Croatian youth, a traditionally apathetic group (Forto, 2003: 204). The death of Tuđman in late 1999 and the subsequent defeat of the HDZ in the election generated hope of deeper NGO-state cooperation. The new center-left coalition, led by Ivica Račan conveyed a willingness to work with and strengthen NGOs. In November 2000 the government invited NGOs, non-profits, religious bodies, and international organizations together to adopt its Program for Cooperation between the government and the non-governmental/non-profit sector in Croatia (ibid: 204). The new government also eased tax regulations on NGOs and passed a new Law of Associations that removed the previous clauses that permitted their interference in NGO work (ibid: 204-205). While the legal climate for NGO development was improved under the center-left coalition, little was done to incorporate NGOs into the policy and decision-making processes. In 2002, the EU agreed that 'the possibility of governmental interference in NGO operations has been reduced' (European Commission, 2002b: 11). However, in the same year the Commission admonished

Croatia for the ‘absence of NGOs from policy making and legislative processes’, and recommended ‘increased co-operation between the different institutional players and representatives of civil society’ (European Commission, 2002c: 6).

The coalition proved to be unstable, constantly challenged by groups opposed to its cooperation with the ICTY and a resurgent and reformed HDZ. The coalition’s inability to present a consistent approach to the problems facing Croatia and its hesitation on crucial reforms led to it ultimately losing the 2003 parliamentary election to HDZ. Nonetheless, NGO-state relations in 2003 stood in stark contrast to the impasse that existed under the rule of Tuđman. NGOs were now legally recognized and steps had been taken by the Government Office for Cooperation with NGOs (UZUVRH) to decentralize the state’s funding process for NGOs and improve the sustainability of financial support (ibid:185).

The HDZ that took power in 2003 was unrecognizable from the party that ruled under the leadership of Tuđman. During its time out of government the party had fractured into two competing factions. The moderate faction, led by Ivo Sanader presented the party as a reformed, pro-European party set on continuing Croatia’s path towards EU membership. Meanwhile, relics of Tuđman’s HDZ split from the moderate faction to form the radical nationalist *Hrvatski blok* (HB), which failed to meet the 5 percent threshold in the 2003 needed to secure seats in Parliament. Sanader’s new government professed a desire to continue efforts to improve NGO-state relations, and crucially to advance Croatia’s position vis-à-vis the EU.

The number of NGOs in Croatia continued to grow after the HDZ took power, increasing from 23,740 in August 2003 to 27,955 in 2005 (Croatia, 2006). Public opinion of NGOs also began to improve. According to a 2004 Freedom House survey 65% of Croatians viewed NGOs positively, although a significant portion of respondents (57%) were skeptical NGOs could

actually bring about real social change (Forto, 2004: 184). The focus of NGOs also began to shift. As their numbers began to dwindle many human rights organizations, closed or moved on to address other related issues such as government transparency and corruption. This was because fewer human rights abuses occurred and, as a result, external funding became harder to access (Donić, 2008: 178-179). In contrast, environmental groups began to have more influence over public policy and opinion having successfully lobbied against some large but controversial energy projects (Freedom House, 2006; 2007).

During this period the government's engagement with NGOs remained selective, with priority given to issues unlikely to threaten the government's position or agenda. In this way the government effectively created two classes of NGOs, those under its patronage (Catholic organizations, Veteran associations) and those groups that dealt with sensitive issues such as human rights, war crimes, political transparency, and civic participation (Donić, 2008: 178). This bias was perpetuated by the National Foundation for Civil Society Development and the UZUVRH, which were similarly criticized for their bias and lack of transparency (Croatia, 2006). A 2006 study on democratization and human rights NGOs found that 73% of their funding was from foreign sources, with only 20% coming from national or local governments, the business sector, or individual donations (USAID, 2007: 83).

The financial viability of NGOs at this time, and still today, remained tied to their ability to win project tenders. Even though Croatia became an EU candidate in October 2005, most NGOs lacked the organizational capacities and experience necessary to meet the EU's strict funding requirements (USAID, 2007: 83). To address this problem in 2008 the Commission introduced the Civil Society Facility (CSF), an IPA funded program, which sought to expand the funding stream available to SEE NGOs and improve their 'institutional and operational

capacities' (European Commission, 2008a: 2). In the three years (2008-2010) following the implementation of the CSF, EU funding to NGOs in SEE tripled in comparison to the three years prior (2005-2007) (O'Brennan, 2013: 38). From 2007-2013, through the CSF, the EU spent €136.6 million on the development of NGOs in SEE (Balkan Civil Society Development Network, 2015: 1), making the Commission the biggest financial supporter of NGOs in the SEE (O'Brennan, 2013: 39). These CSF grants were buttressed by the capacity building efforts—trainings and advice—of the newly established Technical Assistance for Civil Society Organizations (TACSO).

The EU also actively facilitated deeper cooperation between NGOs and the state. Gains at the local level were particularly widespread (USAID, 2007: 80). Local and grassroots NGOs have been traditionally less developed and financially viable than their urban counterparts. However, these groups have also provided important social services to local and disadvantaged communities and thus local governments were particularly eager to partner with them. Individual ministries and government offices earmarked a portion of their annual budget to NGO cooperation and joint-projects (USAID, 2010: 89). In fact, ministries became one of the largest domestic funding sources by 2010 (Bežovan and Matančević, 2011: 27). EU candidacy also reassured foreign corporations that Croatia's investment environment was safe to enter. As a result, many NGOs established partnerships with foreign entities such as Coca Cola and Peugeot (USAID, 2007: 84, 87).

Political instability returned to Croatia in 2009-2010 as Ivo Sanader suddenly resigned as Prime Minister and was subsequently arrested on corruption charges while on the run in Austria. Croatia also struggled to deal with the effects of the Eurozone crisis. Coupled with allegations of widespread corruption, rising unemployment and a bleak economic forecast, the HDZ's re-election

bid in 2001 ultimately failed. As a result, a center-left coalition, led by the SDP returned to power, prepared to lead Croatia during the initial years of its EU candidacy.

As of July 1, 2013 Croatia has been a full member of the EU. While this may signal that NGO-state cooperation has been solidified, in reality there are concerns that NGO-state relationships have declined. New research has shown that once EU leverage declined, Croatia actually reverted mobilization structures towards national elites and citizens, limiting the ability of NGOs to seek consultation (Wunsch, 2016: 2). This is of tremendous concern. If the cooperative relations between NGOs and the state are subsequently undone upon acceding, more work may be needed to prevent the loss of gains achieved during membership negotiations. This concern will be further addressed in Chapter 6.

In the next subsection a similar review of the development of Serbia's NGO sector is presented. From this discussion we can see that the experiences of Croatian and Serbian NGO are quite similar.

### *5.2.2: Serbian NGOs*

To say that the concepts of governance and political transparency were absent in Serbia under the Milošević regime is an understatement. Hierarchical networks of policy-making and implementation dominated with power and responsibility wholly centralized within state structures. Not surprisingly, the first series of post-Yugoslav Serbian NGOs were anti-war groups focused on humanitarian issues, human rights, and rule of law concerns. They juxtaposed themselves from formal government positions and worked to promote alternative values and interests. Milošević's failure to accept the results of the 1996 local elections galvanized the NGO sector, transforming it from a social service provider into the locus of pro-democratic efforts. Groups such as the Center for Free Elections and Democracy (CeSID), Civic Initiatives, and

Otpor! (Resistance!) were founded to improve the public understanding of democratic processes and encourage wider civic participation (Minić and Dereta, 2007: 84). Throughout the late '90s the number of NGOs increased and the general capacities of the sector improved as foreign aid and knowledge became more readily available. By the time the fallout from the Kosovo War and North Atlantic Treaty Organization's (NATO) intervention hit the Milošević regime, NGOs had begun coalescing under a common banner of political change.

Facing a battle for public opinion, the regime intensified its efforts to present NGOs as traitors and representatives of Western, perverting influences. It censored and banned independent media, arbitrarily investigated civic associations, and systematically harassed groups it saw as representing the liberal, democratic opposition. Yet, NGOs embraced this adversarial position and have maintained this attitude to the present day. Working under constant threat of violence, arrest, and repression NGOs actively opposed and demonstrated against Milošević's authoritarian regime. A group of more than 150 NGOs, known collectively as IZLAZ 2000 (Exit 2000), worked in concert with opposition parties to mobilize voters, publicize regime critiques, and for the first time, embody a coordinated force for democratic change (Minić and Dereta, 2007). Their efforts are ultimately cited as one of the main reasons the Milošević regime came to an end in September 2000.

While momentous, the end of Milošević's rule did not usher in a period of deeper NGO-state cooperation. As numerous scholars have suggested the post-Milošević NGO-state nexus was a selective one (Milivojević, 2006; Fagan and Ostojic, 2008; Fagan, 2010). On the one hand, the government tolerated those NGOs that focused on improving social conditions (poverty, healthcare, and education) and that were key to accessing EU funding. On the other hand, those more overtly political or those focused on war crimes and transitional justice were essentially

ostracized. Moreover, decision-making remained a centralized, elitist process, characterized more by political infighting and power grabs than the inclusion of more diverse groups of actors. The government lacked the political will and understanding of the value of NGO-state relations to develop and implement a legal framework for the inclusion of NGOs. This failure led to the stagnation of NGO growth and the perpetuation of distrust between NGOs, the state, and the public at-large.

Closer relations with the EU during the early 2000s did little to improve the capacity deficits of Serbian NGOs, or address the apprehensive relationship between the state and NGOs. EU support in the years after Milošević's downfall was focused on institution building, improving infrastructure, justice and home affairs, economic modernization, and regional cooperation (Fagan and Ostojic, 2008: 5). As such it worked primarily through the state apparatus, engaging NGOs only when they were crucial to the implementation process or key to securing local support (ibid). The first real engagement with NGOs independent from its reconstruction and infrastructure projects came only in 2007 with the implementation of the IPA (Instrument for Pre-Accession Assistance) (ibid). Framed by its notion of 'good governance' the EU began to stress the value of deeper state-NGO cooperation and encouraged the government to accept the work of NGOs. It worked to break down overly centralized and hierarchical decision-making networks by funding NGOs directly, rather than through state managed funding streams.

While the EU's recent efforts have certainly helped legitimize NGOs, the presence of the EU has not had the emancipatory effect it envisioned. Its restrictive funding scheme has effectively created an elite class of NGOs that monopolize support and attention to the detriment of other more grassroots and local groups. Moreover, the EU's approach to NGOs remains selective and utilitarian in that NGOs are used to 'communicate Europe' by selling EU policy to

the public and portraying it as legitimate (O'Brennan, 2013: 32). It engages those well-established groups that can help it address perceived weaknesses in the state structure, but shies away from interactions with NGOs on controversial issues (Cullen, 2010: 322). So while the plight of Serbian NGOs has certainly been improved by EU efforts there is still a considerable gap between the EU's 'good governance' rhetoric and its interaction with and promotion of NGOs in practice.

The Serbian NGO sector is vibrant and growing. Moreover, NGOs continue to play an important role providing social services to local and disadvantaged populations and still serve as political watchdogs. Yet, their growth and influence remains constrained by obstacles created within as well as by state and supranational forces. The following section details these problems as well as similar ones experienced by Croatia.

### **5.3: Internal and External Obstacles**

The development trajectory of Croatian and Serbian NGOs has been nearly identical. In both countries NGOs faced significant political opposition from semi-authoritarian leaders, which in turn dictated what many of the early NGOs focused on (war-crimes, transitional justice, democratic reform, elections), and certainly impacted the public's perception of their work. These socio-political issues stagnated the development of Croatian and Serbian NGOs, restricted their access to vital funding streams, and prevented them from developing the necessary capacities to more fully contribute to policy- and decision-making processes. The following section provides more depth into the issues faced by Croatian NGOs during candidacy, Serbian NGOs currently, and traces these issues to both modern and historical phenomenon.

### *5.3.1: Croatia in Retrospect*

Croatia is unique among the two cases in that it has already become a member of the EU. In this respect much of the following discussion is presented as a retrospect on Croatia's time as a candidate. Nevertheless, several of the issues presented survive today.

#### Financial Viability

Similar to many NGOs across the world, financial sustainability was and is the primary concern of Croatian NGOs (Interviewee 28, 2015; Interviewee 30, 2015). During the 1990s most Croatian NGOs were funded by foreign donors. Due to unfavorable political, social, and economic conditions NGOs could simply not rely on the state for funding (Bardos, 1998: 181). As a result of the Homeland War foreign donors were particularly interested in healthcare, human rights, and humanitarian assistance. Thus many Croatian NGOs tailored their purpose and organizational structures to appeal to what, at this time, was the only funding stream. Moreover, many NGOs found that partnering with organizations from the donor's country or region of origin increased their chances of receiving funding (Stubbs, 1996: 13). While this type of aid was often labeled 'building civil society', in practice the prioritization of 'relief models' rather than 'social development' created an unsustainable existence for these early NGOs (ibid: 14). They were forced to reproduce the practices, understandings, and assumptions of foreign donors in order to survive (ibid). Croatian NGOs were effectively subjugated and coopted by the strict demands and limited focus of their foreign patrons. Thus it is unsurprising that when human rights violations and humanitarian needs subsided and foreign attention shifted, very few Croatian NGOs were operationally or financially sustainable.

Following the 2000 election, government-NGO state relations began to thaw and domestic funding streams began to open up. Through the work of the UZUVRH, new

government grant programs were established for the purpose of allocating state funding to NGOs. However, domestic funding had not made up for declines in foreign funding by the time Croatia began membership negotiations in 2005 (USAID, 2006: 77). Domestic NGO support would not surpass foreign donors until 2007-2008, by which time most foreign support had all but disappeared (USAID, 2008; 2009). Moreover, as was mentioned in section 5.2.1, organizations continued to contend that state funding was reserved only for organizations that provided social services or those that refrained from addressing politically sensitive issues. Within a few years of Croatia being granted candidacy status EU pre-accession funding had become the most significant source of foreign funding (USAID, 2009: 88). Its strict funding requirements, however, made its grants inaccessible to all but the largest and most developed urban organizations.

In recent years NGOs have remained grant-focused, relying on their ability to tailor their focus to donor wishes in order to survive. State funding remains a significant source of NGO funding, allocating more than \$90 million to NGOs in 2013 (USAID, 2013: 63). However, of this amount only 8.7 percent went to NGOs working on democratization, civil society development, or social cohesion, demonstrating that a state-bias may indeed persist (ibid). Another alarming recent occurrence has been the decline of local funding. Undoubtedly impacted by the persistence of the Eurozone crisis, local governments, businesses, and citizens have largely disappeared as a funding source. Only seven national tenders for grants were offered by the private sector in 2014 (ibid). Local governments have seen their budgets decrease and the applications for funding increase leading to the implementation of restrictive funding criteria and delayed payouts (ibid). As a result of falling domestic support, NGOs continue to rely on the EU for the majority of their funding. As of the end of 2014, the EU had allocated

€962.1 million to NGOs, with just over half (€478.5 million) actually distributed (ibid: 64). With nearly half a billion euro unused it is clear that NGOs are still burdened by the EU's strict funding requirements and the administrative demands EU projects ask of them (ibid)

### NGO Networks and Cooperation

Another result of the restrictive funding environment of the 1990s and early 2000s was the development of an ultra-competitive relationship between NGOs. Constantly vying for the attention and funding of foreign donors made many Croatian NGOs uninterested in inter-group cooperation for fear that such cooperation would threaten their financial viability. Even established, financially stable organizations such as the Croatian Helsinki Committee for Human Rights (CHC) felt threatened by other organizations and was often criticized for non-cooperation with other like-minded groups (Bardos, 1999: 180).

Low levels of inter-NGO cooperation remained a significant issue throughout the early 2000s (Bežovan, 2001: 3). With little motivation, Croatian NGOs failed to develop a robust tradition of regional, international, and intra-sectoral networking. Despite EU support, few of the groups established enough to access EU funding saw much benefit from networking (Interviewee 29, 2014). Although they were forced to partner with junior organizations to meet the EU's funding requirements, the depth and value of these partnerships varied. Many groups preferred to establish regional branches and more specialized subgroups instead of networking (ibid).

Opinions differ about the current state of NGO networking in Croatia. Foreign donors such as the United States Agency for International Development (USAID) have claimed that NGOs recognize the value of networking, with over 90 percent of surveyed groups reporting some level of cooperation with other NGOs (USAID, 2008: 88). Certainly some NGO sectors (environmental, democratization, human rights) have begun to network in order to increase their

domestic and international legitimacy, improve their reaction times to legislative and policy changes, and protect information gains from staffing losses (Interviewee 29, 2014). Additionally, as domestic and foreign grants disappear, some NGOs have begun pooling resources and services out of financial need (USAID, 2015: 64). International networking is particularly prevalent in the environmental sector (Interviewee 28, 2014). However, other sources report that while the desire for increased cooperation is present, networking is weak domestically and internationally (Interviewee 28, 2014; Interviewee 29, 2014). The short-sightedness and indiscriminate nature of funding is cited as the cause for low levels of NGO networking (Interviewee 29, 2014). Additionally, some individuals have claimed that EU accession has made it more difficult for regional networks (between Croatia and Serbia, Montenegro, Macedonia, etc.) to survive and prosper due to the more restrictive requirements for member-third country funding (Interviewee 30, 2015).

#### Capacity Deficits

Weak networking, an unbalanced funding environment, and competitive inter-group relations created a capacity gap between the established, national organizations and the small, local groups. Whereas the larger groups had clear missions, formal budgets, and a sizable staff of employees and volunteers, the smaller groups struggled for accesses to the most basic materials. Croatian NGOs in the 1990s operated under loose organizational structures usually headed by one or two motivated individuals with support from a few staff or volunteers (Bardos, 1999: 180). By 2003 there were nearly 17,000 NGOs operating in Croatia (Forto, 2003: 205). While few of these groups had the resources to operate continually, thawing government relations and momentum from the 2000 election did begin to help NGOs address staffing and financial concerns (Forto, 2003). However, groups still relied on outdated procedures and practices, and

were unable to hire larger staffs because of their reliance on project-based funding (USAID, 2006: 76).

With the support of the National Foundation for Civil Society Development (NFCSD) and other donors NGOs continued to improve their organizational capacities through training and technical support activities (USAID, 2008: 85). Legislative recognition and clarification also helped NGOs establish the management and supervisory structures necessary to maintain a modern governance system (ibid). By 2007, 91 percent of NGOs had mission statements and 61 percent had strategic plans, necessary requirements for most foreign donors (ibid). Nearly two-thirds of NGOs had basic equipment such as computers, internet access, and communication devices (ibid). However, at the same time only 47 percent of Croatian NGOs had employees, most relying on volunteers to conduct their daily activity (ibid). Indeed, according to a Ministry of Social Policy and Youth, volunteers logged over 1.5 million work hours, valued at over \$630,000 in 2013 (USAID, 2015: 62).

EU pre-accession funding and assistance became very important for the development and strengthening of Croatian NGO's organizational capacities. EU support made training and technical assistance events accessible to a larger number of NGOs (USAID, 2010). The UZUVRH and NFCSD complimented the EU's role by increasing their efforts to address the capacities of smaller NGOs through training workshops and small grants (under €10,000) (Interviewee 28, 2014). Additionally, foreign-sponsored NGO support centers were set up to provide local NGOs with training, technical assistance, equipment, and facilities to conduct their work (Forto, 2004: 186).

While detrimental to the country as a whole, the Eurozone crisis actually presented Croatian NGOs with a unique opportunity. With unemployment rates rising, the hope was that a

higher number of people would engage in NGO-related activities, and would stop or reduce the migration of professionals from the NGO sector (USAID, 2010: 89). While the crisis did in fact reduce external migration, smaller NGOs suffered as their professional personnel left for bigger NGOs with better job security (ibid). This had an unfortunate consequence in that smaller NGOs returned to limited management systems, whereby leadership and supervision was often a ‘one-man show’ (USAID, 2011: 64).

Recent reports indicate that NGOs have generally developed the capacities needed to be a productive member of decision-making processes and an adequate spokesperson for societal needs. Nevertheless, management and governance functions remain blurred and financial stability remains dependent on the NGO’s ability to adjust their strategic plans and activities to the priorities of public tenders (USAID, 2015: 62).

### External Legitimacy

Croatian NGOs have struggled to assert their legitimacy to the state, society, and the EU. NGO-societal relations were initially polluted by the efforts of the Tuđman government to smear NGOs and present misinformation about their purpose. Moreover, the newness of the concepts of ‘NGO’ and ‘civil society’ made it difficult for citizens at-large to understand the purpose and value of NGOs for much of the 1990s and 2000s. However, by 2005 efforts by NGOs to publicize their work in the media and offer their expertise more widely began to have a positive impact on public perceptions. A 2005 survey found that four-fifths of all Croatians had a positive view of the NGO sector, with over fifty percent declaring they understood the meaning of ‘NGO’ and ‘civil society’ (USAID, 2006: 79). The public image of NGOs improved as Croatia moved closer to EU membership, although in recent years public trust in NGOs has fallen due to a series of corruption and financial mismanagement scandals (USAID, 2015: 67). One interviewee

contended that levels of support and interest in NGOs remains connected to one's ideological identity; citizens on the left generally support NGOs, whereas those on the right tend to see NGOs as a waste of money and agents of foreign interests (Interviewee 30, 2015). To counteract the negative discourse presented by the media and 'traditional' elements of society, many NGOs spend considerable time raising awareness and promoting their activities online and through traditional media outlets (ibid).

Croatian NGO-state relations have not generally been dependent on the legitimacy of the NGO sector but rather on whether both sides see cooperation as beneficial. In the 1990s the government saw NGOs as working against its interest and thus was not inclined to include NGOs, aside from those that provided social services and acted on the behalf of the government. Equally so, Croatian NGOs in the 1990s saw themselves as political watchdogs, providing alternatives and organizing democratic protests. In this sense NGOs preferred to operate against the government rather than cooperating with it out of fear of cooption and the possibility that cooperation could damage their credibility with the public (Interviewee 30, 2015).

At the EU's insistence relationships between NGOs and the state began to improve after Croatia became a candidate. The EU created an environment where NGOs' expertise could be acknowledged and where cooperation could be presented as productive and beneficial. The EU was able to be forceful on this point due to its control of funding and use of conditionality (Interviewee 28, 2014; Interviewee 30, 2015). However, both sides remained hesitant. Croatian politicians and bureaucrats acknowledged that NGOs possessed expertise. Yet, they also understood that including NGOs could slow legislative and policy processes (Interviewee 29, 2014). Similarly, some NGOs continue to fear deeper government cooperation because of what cooperation means to their ability to oppose the government and remain autonomous. As a result,

there is concern in Croatia that as EU leverage declines, and in the event the HDZ is able to hold onto their position in government after the 2016 elections, state-NGO relations could deteriorate (Interviewee 30, 2015).

Opinions on the EU's relationship with Croatian, and more broadly SEE, NGOs vary. The EU provided a substantial financial contribution to Croatian NGOs, helped build their organizational capacities, and worked to open NGO-state relations (Interviewee 29, 2014). However, some believe that the EU operates mainly as a funding body with no concrete or long-term strategy for NGO development (Interviewee 28, 2014). Indeed, O'Brennan (2013) observed that the EU avoided certain controversial issues and was selective about which NGOs they would actually support. He concluded that the EU still preferred elite-based negotiations and contact, rhetorically supporting deeper NGO-state relations but really using NGOs as 'instruments of EU policy implementation' (O'Brennan, 2013: 32). In this way, EU funding and guidance for NGOs serves as recruitment mechanisms, whereby NGOs are encouraged to support EU programs and present a positive public image of the EU. Preliminary findings indicate that despite the funding streams and empowerment structures established during the candidacy process, the EU's engagement with NGOs in Croatia may prove insufficient to sustain gains made during candidacy (Wunsch, 2016; Interviewee 30, 2015).

The story of Croatian NGO development and the internal and external obstacles they face(d) is similar to most NGOs in SEE. The following sub-section discusses the contemporary challenges facing Serbian NGOs. While resembling those of their Croatian counterparts, prolonged political instability and resistance to EU membership has delayed the development of Serbian NGOs and prevented deeper NGO-state cooperation.

### 5.3.2: Serbia: Current Challenges

Serbia is just beginning its candidacy process, scheduled to open its first chapters in 2016. As such, the opportunity for greater NGO-state cooperation is just beginning. As Serbia progresses through the candidacy process it will be important for the government to connect with NGOs and other relevant stakeholders. It is equally important that NGOs are willing to help when called upon. What follows is an assessment of the current state of Serbia's NGO sector and their relationship with the government and EU. Although preliminary, it highlights several of the issues that will undoubtedly impact the role of NGOs during Serbia's EU candidacy.

#### Financial Sustainability

In order to understand the 'Europeanization potential' of Serbian NGOs we must first analyze the obstacles they face. For Serbia's more than 25,000 registered NGOs<sup>5</sup> financial sustainability is of utmost importance. According to a 2011 survey conducted by CI, just under two-thirds (64%) of the 1,625 groups surveyed operated on an annual budget of less than €5,000, with another 8% operating without a budget in 2010 (Civic Initiatives, 2011: 104). A similar report published in 2010 by the Organization for Security and Co-operation in Europe (OSCE) Mission in Serbia points out there is a notable difference between the budgets of professional organizations and volunteer organizations (Stuppert, 2010: 20). Nevertheless, securing funding poses a significant challenge to most Serbian NGOs. Constrained by their finances, most NGOs face equipment shortages, and a majority (71%) operate with less than 10 active staff (Civic Initiatives, 2011: 16, 47).

One factor that impacts the sustainability of Serbian NGOs is whether they are mission-driven—meaning they have broader, more long-term aims—or whether their focus is short-term

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<sup>5</sup> 25,132 'associations' as of April 2015 according to the Serbian Business Registers Agency (2015). Most of these are sports associations and religious groups with the number of politically-oriented groups significantly less.

and project-based. A member of Serbia's Office for Cooperation with Civil Society (SOCCS) expressed frustration that many NGOs lack intrinsic motivation or overarching goals, treating their existence as an opportunity for financial gain rather than as an opportunity to participate in policy-making and implementation (Interviewee 25, 2014). NGOs must be sufficiently incentivized to participate, leading to the dominance of a project-based, short-term existence. Of the groups surveyed in 2011, membership fees (49%) and project-based financing (44%) were the primary methods of financing (Civic Initiatives, 2011: 105). Yet, this statistic is misleading as 70% of those NGOs financed by membership fees were business/professional organizations and 61% were founded before 1989 (ibid). Project-based funding is most crucial (54%) for those groups created from 1990-2000 (ibid).

This is symptomatic of a more troubling problem with NGOs in the region. Too often, as one individual from the Directorate General for Enlargement ('DG Enlargement') claimed, NGOs conceive of themselves as businesses rather than representatives of public interest (Interviewee 27, 2014). The EU's selective, accession-driven—rather than development or capacity building—funding scheme has perpetuated a 'money-hungry', ultra-competitive environment of NGO funding, whereby profit is the underlying motivation. Groups constantly reinvent themselves in order to access new funding streams. While this tactic maybe necessary for survival its prevalence is troubling.

To counteract this problem organizations such as the Regional Environmental Centre (REC) have started to award grants to mission-based groups (Interviewee 22, 2014). Their grants (€5-10K) are not meant to ensure the survival of the recipient, but rather to augment its pre-existing finance base and help it carryout work plans (ibid). Similarly, the EU has begun to transition towards cause and mission-based funding. There are indications that efforts such as

these that stress self-reliance and organizational sustainability are beginning to bear fruit. While project-based funding and external donations are still the largest portion of NGO budgets the share of self-financing increased steadily from 28% to 37% from 2008-2010 (Civic Initiatives, 2011: 108). Another undeveloped stream of funding is from the private sector. According to a USAID 2013 report less than 10% of NGO budgets come from corporate contributions (USAID, 2014: 186). This lack of support from the business community was also noted by an EU Delegation representative (Interviewee 23, 2014).

### NGO-State Relationships

There is a similar disconnect between the normative understanding of ‘good’ NGO-state relations and the beliefs of Serbian NGOs. Due to a legacy of political opposition and distrust Serbian NGO’s often prefer to remain outside of formal governance structures, the perception being that monitoring government is more important than cooperating with it. Compounding the issue is the fact that international donors continue to prioritize those groups with significant oversight and watchdog capabilities. The EU applauds the ‘substantial contribution’ of NGO ‘oversight activities at national, regional, and local levels’ (Directorate General, 2013: 1). Although this monitoring function serves the EU’s interest in the region it also perpetuates the adversarial environment of NGO-state relations.

When asked about the role of NGOs as active participants, one member of the SOCCS explained when a group has existed primarily as a government watchdog it is difficult for it to justify government partnerships (Interviewee 25, 2014). The transition is made more difficult by entrenched fear of cooption and by the fact that funding streams continue to stress a monitoring agenda. As one coordinator from *Evropski omladinski centar Srbija* (EOS) explained partnerships develop only when NGOs share a mutual interest to cooperate (Interviewee 26,

2014). Too often NGOs see cooperation with government as a threat to their autonomy and independence. The EU's presence has certainly brought attention to the value of NGO-state cooperation, but its efforts have primarily been rhetorical, with very little done to build trust between each side. Although it claims that 'a strong civil society enhances political accountability and promotes a deeper understanding of accession related reforms' its selective use of NGOs to serve as 'cheerleaders for European integration' demonstrates its lack of commitment to truly engage civil society and promote deeper NGO-state relations (European Commission, 2014c: 20; Cullen, 2010: 323).

There is also significant distrust of NGOs in government. NGOs are approached in a limited and cautious fashion, politicians and civil servants engaging a select few groups perceived to be unthreatening. While the greatest potential for deeper cooperation exists at the local level where NGOs compliment or substitute the efforts of local authorities, corruption and the misappropriation of funds hamper this development (USAID, 2012; Interviewee 26, 2014). At the state level political instability and 'more important concerns' constrain the intensification of NGO-state relations. The director of REC commented that the government is so accession-driven that ministries often forget to consult with NGOs (Interviewee 22, 2014). When asked to evaluate the attitude of the government to NGOs, 39% of the NGOs surveyed believed the state was 'uninterested' in the NGO sector (Civic Initiatives, 2011: 62). Similarly, a SOCCS representative explained that the government's choice to include NGOs depended on its goals (Interviewee 24, 2014). If speed is the most important factor then government may perceive the inclusion of NGOs to be an unnecessary hindrance. Whereas, if the goal is to make sure alternatives are presented and quality policy produced then the inclusion of NGOs is crucial. In reality, the government may simply be unsure of the role of NGOs in broader decision and

policy-making processes (Interviewee 23, 2014). There is however optimism that NGO-government relations could be improving. The project coordinator from EOS praised the work of the SOCCS and hoped that it would continue its effort to convince government and NGOs to work together (Interviewee 26, 2014).

### Group Competition

A hyper-competitive funding environment has limited the desire of NGOs to work within and across sectors towards mutual goals. Even though numerous funding sources have made networking mandatory to receive project grants the depth and success of NGO networking in Serbia varies. A DG Enlargement representative called NGO networking in the region a ‘cooperation of convenience’ (Interviewee 27, 2014). When partnerships are formed for the purpose of project funding they rarely last after project completion. The level of NGO development varies widely from sector to sector, and from region to region. As a representative of the SOCCS lamented this makes it very difficult to find suitable partners, and more often leads to the subordination of smaller, less developed, usually rural NGOs (Interviewee 24, 2014). The environmental sector is one area where there has been significant networking, but even these networks only exist in so much as they allow individual groups access to larger grants. The director of the REC doubted that these networks were founded on the basis of mutual goals or missions (Interviewee 22, 2014). He suggested that the groups were interest-driven, partnering only when there are tangible benefits (ibid).

### Public Image

Serbian NGOs are also relatively disconnected from the public at-large. Public opinion does not view NGOs very highly. Asked to evaluate the attitudes of the community towards NGOs, 46% of NGOs surveyed indicated that the public was ambivalent about the work of

NGOs (Civic Initiatives, 2011: 91). Due in part to the Milošević regime's smear campaigns, false understandings of NGOs pervade much of Serbian society. One officer from the EU Delegation to Serbia suggested that public knowledge of the work and purpose of NGOs remains low in part due to the inaction of the government and its failure to address the public perception of NGOs in any concrete manner (Interviewee 23, 2014). Similarly, Cullen (2010: 323) found that many EU officials questioned the closeness of NGOs to society. In many ways NGOs themselves are to blame for this disconnection. Serbian NGOs have not been creative or forward-thinking about the ways they interact with the public and have done little to convince the public of their value or publicize their contributions (Interviewee 27, 2014). Of course the connection between the public and NGOs varies across sectors and regions. NGOs involved in social services and healthcare can be expected to be viewed in a more positive light than those that focus on transitional justice and politics. Social services are offered more frequently by local NGOs, so urban-based groups are viewed slightly worse than their rural counterparts (Civic Initiatives, 2011: 91).

Many of the issues confronting Serbian NGOs are caused by human and financial resource deficits. As has already been mentioned the majority of Serbian NGOs operate on annual budgets of less than €5,000 (Civic Initiatives, 2011: 104). Many rely on the work of volunteers, who in 2010 outnumbered full-time NGO staff 33 to 1 (Civic Initiatives, 2011: 46). It is not surprising that when asked about staffing 22% mentioned that insufficient experience was a common problem among staff (ibid: 89). Staff retention is also a problem. 11% of respondents stated that recruiting and keeping staff was an issue, while another 11% indicated that recruiting volunteers was difficult (ibid). Without the human and experiential capital many NGOs struggle to meet the stringent criteria put in place by the EU and other funding bodies. Furthermore, their

organizational shortcomings constrain their ability to legitimize and publicize their efforts to the public, government, and the EU.

Even when faced with all these obstacles, Serbian NGOs still possess the ability to contribute to Serbia's EU accession. In the next section the 'Europeanization potential' of Serbian NGOs will be discussed. In addition the contributions of Croatian NGOs are acknowledged. Although the NGOs sector has yet to develop into the robust, proactive sector envisioned by the EU and other foreign donors, it is clear that they have the desire and potential to contribute much more actively to the Europeanization process.

#### **5.4: 'Europeanization Potential'**

One thing that should not be forgotten while reading the previous two sections is that NGOs were active in the political and social development of Croatia, and continue to influence the membership negotiations of Serbia. There was little precedent for the integration of states with the degree of political and administrative weakness present in Croatia and Serbia. Ethno-nationalism, war during the 1990s, and limited experience with sovereignty and 'stateness' left these countries ill-prepared to accept the demands of EU membership. It is when governments lack the necessary resources, expertise, or experience to develop and implement reforms compliant with EU requirements that NGOs have the greatest 'Europeanization potential'. This section discusses this concept and looks at the ways Croatian NGOs contributed to Croatia's candidacy, and the reasons why one can expect Serbian NGOs to have an even more substantial impact on Serbia's candidacy.

##### *5.4.1: Croatian NGOs in Action*

NGOs were the 'catalyst' for change in Croatia (Interviewee 29, 2014). In certain policy sectors, such as the environment, Croatian NGOs were particularly active in policy-making and

implementation processes, and were actively involved in the ‘working groups for the preparation of negotiations on individual chapters of the *acquis communautaire*’ (Pernar, 2013: 12). Due to experience, knowledge, and implementation role, one former NGO representative and current Department Head at UZUVRH explained that NGOs ‘had to be included’ in the reform process (Interviewee 29, 2014). In other sectors (human rights and democratization) NGOs performed a valuable watchdog function, alerting domestic and EU authorities to issues and concerns with Croatia’s reform efforts (Interviewee 29, 2014; Interviewee 30, 2015). In this respect, part of the Europeanization potential of Croatian NGOs was tied to their ability to advocate for change. While the government sought to isolate groups critical to official government lines, groups such as GONG remained critical of government performance, successfully raising awareness about issues with democracy and elections (USAID, 2006: 77; USAID, 2007: 84). Environmental groups lobbied and advocated for safe, environmentally conscious development projects, and protested against developments thought to threaten Croatia’s environmental beauty (USAID 2013: 61). At the same time, local groups addressed issues such as rule of law, domestic violence, minority protection, healthcare, and city planning (USAID, 2006: 77; USAID, 2007: 85)

NGOs played other crucial roles during Croatia’s accession process. For instance, due to their combative relationship with the state during the 1990s, Croatian NGOs became accustomed to applying for and absorbing foreign aid and assistance. This experience was valuable during the initial phases of Croatian candidacy as the Croatian government struggled to absorb and disperse pre-accession funding (Interviewee 29, 2014). NGOs were able to transfer crucial knowledge and experience to public servants about foreign expectations, procedures, and requirements (*ibid*).

Croatian NGOs have also been active social service providers, especially to marginalized groups and rural communities. Indeed, one official at the UZUVRH believed that the ‘main way for [NGOs] to be included in policy-making...to participate in real work, is at the local level’ and that the ideal approach to national concerns should be a ‘bottom-up approach...to bring ideas [from the local level] to the higher level’ (Interviewee 28, 2014). In recent years NGOs have expanded the services they offer, especially in the fields of drug abuse prevention, homeless outreach, and environmental protection (USAID, 2015: 65). These efforts are not going unnoticed by government (ibid). Some NGOs have been certified as social welfare institutions and the Ministry of Social Policy and Youth, for instance, has recently launched a multi-year funding program to noticeably expand the social services offered by NGOs (ibid: 65-66). Although opinions still vary, as a result of their advocacy and social service work the public image of NGOs experienced steady gains throughout candidacy, with a 2013 report indicating that 75.7% of citizens found the work of NGOs to be ‘very useful or somewhat useful for society’, an increase of nearly 4% from the year prior (USAID, 2014: 62).

Their grassroots focus and understanding of local needs made NGOs especially important to the policy implementation and evaluation processes involved in EU candidacy (Interviewee 28, 2014; Interviewee 29, 2014). Indeed, in a 2013 report compiled on the eve of Croatian accession for the TACSO office in Zagreb just over 54% of respondents indicated they had had at least occasionally participated in the preparation and/or implementation of EU funded projects, with 31% of those respondents conveying continuous involvement (Đokić and Sumpor 2013: 18). Almost 31% of respondents claimed to have had at least occasional ‘direct involvement in programming processes on the national level’, with an additional 61% claiming

to have had at least occasional ‘indirect involvement’ in programming (ibid). It is thus clear that NGOs had gained, at least, a limited voice in the reform making processes.

Croatian NGOs were particularly important in the areas of youth policy, gender equality, environmental protection, media, human rights, technical education, and support for people with disabilities and special needs (USAID, 2008; 2009; 2014). Throughout the candidacy process the Croatian government allocated significant financial support for groups that addressed these issues and relied heavily on them to ensure new policy and procedures were being implemented and enforced (Vidačak, 2009: 30-40; Croatian Government Office for NGO Cooperation [UZUVRH], 2011: 30-39). The recognized importance of NGOs in these policy areas afforded them access to some decision-making processes. Domestically, NGOs became regular participants in parliamentary committees on human rights, corruption, security, environmental protection, minorities, and youth policy (USAID, 2009: 89). In fact, according to figures from 2013 nearly 800 NGO representatives participated in government advisory bodies, and more than 100 NGO representatives took part in Parliament working committees (Pernar, 2013: 11; USAID, 2014: 60). In rare cases some well-developed NGOs such as Green Action (*Zelena akcija*) even took part in EU-based NGO platforms and networks (USAID, 2010: 90).

While external and internal obstacles constrained the level of influence NGOs had on Croatia’s reform processes, their experience dealing with foreign organizations, local/grassroots focus, contributions to social services, and their commitment to addressing sensitive issues and advocating for change made them an integral part of the Europeanization process. The next subsection discusses the ‘Europeanization potential’ of Serbian NGOs. Though they face similar hurdles as their Croatian counterparts, there is reason to believe that Serbian NGOs can and will have a more active role to play in Serbia’s candidacy process.

#### *5.4.2: Serbian NGOs: So Much Hope*

According to CI's 2011 report, 63% of NGO employees in Serbia have post-secondary degrees (Civic Initiatives, 2011: 46). When compared with the national statistic—15.7% of all Serbians possessed tertiary education in 2010 according to the United Nations Economic Commission for Europe (UNECE)—it is clear that Serbia's NGO sector is well-educated (UNECE, 2014). Their issue-specific focus makes them well-placed to offer solutions and lead projects that are compliant with EU requirements. It is important to note that the utility of NGO-state cooperation goes beyond allowing the NGOs to implement government-approved projects. If their capacity to understand the technical requirements of EU membership were improved through deeper inclusion during the initial phases of policy-making their knowledge and experience could be even more useful to Serbia's reform efforts. Due to the regional distribution of Serbian NGOs, they are also particularly apt to report policy developments to the general public and improve local buy-in for challenging policy reforms. This is particularly valuable to EU and state reform efforts.

Serbia's NGO sector also represents a significant labor force, employing over 7,000 (in 2012), and with volunteer numbers approaching 200,000 (USAID, 2014: 185; Civic Initiatives, 2011: 46). Consequently, Serbian NGOs possess not only the ability to present and debate policy solutions, but also the human capital to significantly reduce the implementation burden of state ministries.

There is support at all levels for further NGO participation. A member of the EU Delegation to Serbia believed that NGOs have an important role in augmenting the efforts of state institutions (Interviewee 23, 2014). Their knowledge of local and regional interests is invaluable to state and EU efforts to consider an array of policy alternatives and deliver

comprehensive policy reform. One SOCCS representative explained that because NGOs play such an important role in the implementation phase, their inclusion in the transposition of EU requirements is necessary (Interviewee 24, 2014). NGOs can have a considerable effect on the legitimacy of policy. Another SOCCS representative went on to comment that if the state does not continue to expand its efforts to include outside stakeholders they risk developing policy that the public and EU may question (Interviewee 25, 2014). For the EU, one DG Enlargement representative explained that NGOs help identify areas of need, coalesce support for community policy, and act as an independent monitor of its policy and projects well–after they are implemented (Interviewee 27, 2014).

Further efforts are needed for Serbian’s NGOs to actualize this potential. Work within the groups must be done to address their administrative deficiencies as well as their financial stability. More must also be done to improve their access to policy-making networks and to facilitate a cooperative environment of NGO-state relations. Further recommendations are made in Chapter 7.

### **5.5: Chapter Conclusion**

This chapter looked back at the development of Croatia’s NGO sector and its relationship with the government. It also presented an updated picture of Serbia’s NGO sector and the similar development of its relationship with government. It presented an overview of their transformation from the anti-war, human rights focus of the early 1990s; to the center of the anti-Tuđman and anti-Milošević movements in 1997-2000; to what they are today, a diverse and expanding sector of individuals motivated by public interest concerns, and the region’s EU aspirations. The EU’s efforts were documented and presented in a slightly pessimistic way. While its willingness to fund and rhetorically support Croatian and Serbian NGOs has improved,

its restrictive funding criteria and selective engagement with NGOs suggests that its goals have not yet been supported by action.

Croatian NGOs faced significant internal and external obstacles, and Serbian NGOs currently face similar hurdles. However, these obstacles are not insurmountable and indeed, there is reason for optimism. Developed by-and-large in the chaos of the 1990s, Croatia's and Serbia's NGO sectors have since grown to become a vast body of groups willing to participate in the decision-making and policy-implementing processes necessary for EU membership. Hundreds of new groups form annually and their efforts have extended into a wide range of policy fields. In response to the relatively stable political situation present in the 2000s efforts have been made to transition groups away from a purely watchdog function to more participatory and complementary roles. Capacity-building projects and trainings provided by domestic and international organizations have prepared these groups to take on these new roles. Donors have begun to emphasize sustainability measures and prioritize mission-based funding and strategic planning. Intra-sector and cross-sector networking remains weak across SEE, however donors are making such networks a funding requirement and groups are beginning to realize the value, and at times, necessity of such partnerships.

Although limited by these internal and external obstacles, NGOs have participated in the Europeanization of Croatia and Serbia. They continue to play a significant role in providing citizens, especially minority communities, with valuable social services. Moreover, in certain policy areas such as environmental protection, health, and the rule of law NGOs remain a significant catalyst for political reform. Due to their issue-specific knowledge and grassroots focus NGOs are also particularly active in providing the state and EU policy alternatives and monitoring reports. Additionally, NGOs are increasingly tasked with helping the state and EU

implement and maintain their policy programs. In this way their interests are being included in the Europeanization process, and thus it is accurate to refer to NGO cooperation as a mechanism of Europeanization.

With that being said significant questions remain about how to improve the ‘Europeanization potential’ of NGOs and what the ideal place for NGOs in the candidacy process might be. Croatian NGOs have benefited greatly from EU funding and support. The EU’s presence was crucial for opening up communication channels with government. However, now that Croatia is a member state the EU’s ability to exert pressure on the government to cooperate with NGOs has diminished and there is concern that the gains made during candidacy may be lost. Similarly, Serbia is due to open its first acquis chapters in 2016. However, it is still unclear how the reform process will take place. Is there sufficient political and public will to enact the difficult policy reforms necessary for membership? Does the government have the capacity alone to implement all of these reforms? A more comprehensive inclusion of NGOs throughout the process of adaption may be key. Not only do NGOs represent a significant body of knowledge and human capital, but in many cases they are more in touch with the country’s needs than the government. While more complex and potentially more contentious, a more significant role for NGOs could help the government transpose the EU requirement more efficiently, in a more legitimate manner, and in compliance with contemporary norms of ‘good governance’. NGOs can help Serbia bridge the gap between its current socio-political situation and the one it needs to become an EU member.

### **Part 3: Implications and Conclusions**

Part 2 examined in depth the significance of twinning and NGO cooperation during the accession of Croatia and Serbia. Part 3 draws implications from the empirical findings, arguing that the ways in which we conceive of the Europeanization process, and more importantly, the actors and mechanisms involved, must be readdressed. In this regard, there are several implications for the literature discussed in Chapter 6. Chapter 7 concludes this dissertation by presenting an overview of its claims and offering ‘recommendations’ for the improvement of the twinning mechanism and the deepening of NGO-state cooperation.

## Chapter 6: So What? Implications for the Literature

### 6.1: Introduction

This chapter addresses the implications of this project, specifically in reference to the questions posed in the introduction: *to what degree do commonly held understandings of Europeanization still explain how EU legislation, policy, norms, and understandings become a part of the domestic logics of its candidates and to what extent have new, horizontal, modes of Europeanization that emphasize cooperation and the exchange of knowledge been employed in SEE*. The twinning initiative and NGO cooperation are just two of these proposed horizontal mechanism and although they rely on different logics of influence, together they represent a shift in the way Europeanization occurs, a shift that is grossly under examined. This chapter proceeds with discussions of the literature to which this research contributes, exploring the theoretical, methodological, and empirical implications of its findings.

Section two suggests that this research strengthens the explanatory power of Europeanization, making its presence more explicit and refining the concept so that it can be more easily researched. Within this section the complimentary nature of the concept of horizontal Europeanization vis-à-vis the more well-known concepts of conditionality and external incentives is explored. Section three suggests that the increased usage of these mechanisms of Europeanization represents a shift in EU-candidate state relations and the governance of the candidacy process in general. The EU has recognized the need for more sophisticated and cooperative mechanisms of influence and thus previously understood notions of the Europeanization and candidacy processes must be revisited. Section four speaks more generally to the role of sub-elite and non-governmental organizations in defining and

implementing domestic reforms. The findings of this research demonstrate that the literature's predilection with focusing on the elite, state-level processes of adaption, without a complimentary acknowledgement of sub-state processes is misplaced. Section five concludes this chapter with synopsis of its main points.

## **6.2: The Explanatory Power of Europeanization Revisited**

### *6.2.1: Conceptual Clarity*

Europeanization was defined as the process of domestic adaption to EU procedures, rules, policy paradigms, styles, and 'ways of doing things' (Radaelli, 2000: 4). Rather than engaging with the 'controversies over definitions' that characterized much of the early Europeanization literature this research sought to improve the explanatory value of the concept by specifying mechanisms that make the process of Europeanization more explicit (Lehmkuhl, 2007: 339). Much of the literature has taken a narrow, EU-centric perspective whereby Europe, the EU, its member states (top-down), and less frequently, domestic governments (bottom-up) are presented as focal points (Börzel, 1999; Börzel and Risse, 2003; Kelley, 2004; Sedelmeier, 2011). And yet, there is no convincing reason why Europeanization must be directed by the EU or state actors. This research's finding suggest that, contrary to the conclusion of Howell (2004) and Bache (2008), Europeanization involves more than a 'two-way relationship' between the EU and the state. In practice, Europeanization also occurs outside of this hierarchy, involving a variety of actors that are not formally apart of either structure, and indeed, not directed by the state or the EU. This research has shown that independent experts, bureaucrats, businesses, NGOs, and even citizens at large have the desire and opportunity to shape the degree to which domestic systems are 'Europeanized'.

The findings in chapter 4 most clearly supports this. In Croatia, twinning projects exposed practitioners to new methodologies and administrative practices, identified weaknesses in its monitoring and enforcement capacities, and guided Croatia's efforts to harmonize its legislation and standards with EU requirements. Twinning in Serbia produced new legislative frameworks and technical systems, informed new organizational strategies, and influenced the procedural norms of administrative and ministerial staff. In these ways, Europeanization via twinning impacted not only policies, procedures, and legislation, but also the norms and understandings of the actors tasked with enforcing them. The latter may indeed be more important for combating potential post-accession backsliding.

Similarly, NGOs from both cases sought out deeper consultative roles with government and the EU, and were frequently tasked with aiding in implementation processes. NGOs serve a crucial legitimizing function and provide state and EU decision-makers with insights on the local effects of policy and legislative change. In some policy areas such as environmental protection, human rights, media, and social service provisions NGOs were the catalyst for reform movements (Interviewee 29, 2014). In these areas, NGOs were particularly active lobbying and providing the government with alternative solutions based on their issue-specific expertise. The level of cooperation between NGOs, the state, and the EU varies, nevertheless, the findings show that when given the opportunity NGOs possess a great deal of 'Europeanization potential'.

Goetz (2000: 222) first described a 'missing link' between the 'adaptive pressures' exerted by the EU, and 'their interactions with national conditions'. In other words, Goetz felt that the literature on Europeanization failed to specify the connection between EU pressure for change, on the one hand, and actual change at the domestic level, on the other (Goetz, 2000: 222). Indeed, the literature has typically proposed a series of 'hard' and 'soft' mechanisms of

Europeanization, depending on the level of coercion involved (Ladi, 2005). Knill and Lehmkuhl (1999) distinguished between three mechanisms: institutional models, altering domestic opportunity structures, and altering the beliefs and expectations of domestic actors. Prescribing new institutional models is the ‘hardest’ or most explicit form of Europeanization available to European policy-makers (Knill and Lehmkuhl, 1999: 2). Candidates have little ability to challenge the explicit institutional requirements mandated by EU membership (see also Grabbe, 2006). A somewhat ‘softer’ mechanism of Europeanization is the adjustment of domestic opportunity structures available to domestic actors. Instead of prescribing a distinct EU model, EU requirements alter the distribution of power and resources among domestic actors, often expanding the number of actors involved in compliance processes. Lastly, in what Knill and Lehmkuhl label the ‘weakest’ mechanism of Europeanization, EU requirements may prescribe neither institutional models nor domestic power constellations, but rather alter the beliefs and expectations of domestic actors (ibid). By altering the beliefs and expectations of domestic actors the ‘cognitive logic’ of actors may change, leading to the eventual adaptation of domestic institutional arrangements. While Knill and Lehmkuhl (1999) do provide the literature with a trio of ways by which Europeanization can be said to occur, they did not explicate concrete activities that alter the domestic opportunity structures or prescribe institutional models. In other words, their usage of the term ‘mechanism’ does little to advance our understanding of the activities that when traced, demonstrate the presence or absence of Europeanization.

Page (2003: 166-167) offered a quartet of Europeanization mechanisms: coercion, imitation, adjustment, and polydiffusion. To be fair the latter three are discussed as ‘models’ and seem to refer to domestic reactions to EU-level stimulus. However, Page’s *coercive mechanism* refers to pressure exerted by the EU from simply being the source of membership requirements.

Consequently, this is not a mechanism of domestic adaption to EU norms, values, laws, procedures, etc.—Europeanization—but rather a force used by the EU to motivate states to comply with its demands. Unlike the mechanisms specified in this dissertation, coercion is not a tangible activity with clearly identifiable traits that can be traced and evaluated, but rather a force that mechanisms may rely on. For instance threats or torture are mechanisms of coercion.

Schmidt (2002: 897) offered an even less precise set of Europeanization or ‘adjustment mechanisms’: coercion at a high-level, coercion at a less high-level, mimesis, and regulatory competition. The first two mechanisms are similar to Page’s, Knill’s, and Lehmkuhl’s ‘harder’ mechanisms in that adaptive pressure emanates from EU requirements. Mimesis occurs when the EU recommends a rule but leaves it up to the state to follow the rule ‘closely, loosely, or not at all’ (Schmidt, 2002: 897). Similar to what Radaelli (2003) would go on to call ‘negative integration’, Schmidt’s last mechanism refers to instances where no rule is prescribed but rather internal barriers are removed to increase competition. Schmidt’s typology suffered from the same conceptual ambiguity as Page and Knill, and similarly focused exclusively on action at the EU level without acknowledging reforms initiated at the domestic level. From this typology it is difficult to see how EU coercion translates into domestic action, or what activities at the domestic level actually demonstrate mimesis.

Even in the literature where domestic change is the focus, it is difficult to identify what tangible mechanisms cause change. Börzel and Risse (2000: 10) suggested that domestic change occurs as the result of absorption, accommodation, or transformation. Interestingly, the authors used the terms interchangeably to describe the outcome of Europeanization and the processes by which policy, procedures, and legislation become Europeanized. In this manner, the terms are used in the place of explicit activities that could cause absorption, accommodation, or

transformation of domestic activities. Without clearly defining the activities that result in absorption, etc. the authors still fail to address *how* domestic systems adapt to the EU.

In contrast with previous usages, this dissertation defined the term ‘mechanism’ in a more explicit manner, specifying the actors, interactions, and activities used by the candidates and the EU to adapt domestic systems to EU membership requirements. The mechanisms identified were concrete activities involving the EU, the state, and crucially, non-state actors. NGO-state cooperation and twinning both have identifiable actors, procedures, goals, and outcomes that set them apart from the mechanisms offered by others. The findings show that by conceiving of Europeanization in such tangible terms, the impact of Europeanization can be more clearly traced and the factors that determine its influence more easily identified. Interviewees revealed that personality clashes, mismanagement, role confusion, the lack of political commitment, and staffing issues challenge twinning projects and therefore their ability to successfully Europeanize. NGO development and the sectors’ cooperation with the state has been impacted by political obstacles, public misunderstandings, internal mismanagement, and bureaucratic financing regulations, limiting the Europeanization potential of this mechanism. Regardless of the actual impact of the mechanisms investigated in this dissertation, conceiving of Europeanization in such concrete terms opens up new avenues of investigation.

### *6.2.2: Methodological Clarity*

The strict analytical framework adopted by this project was also chosen in order to address several methodological concerns. First, by proceeding with a more practical application of Europeanization this project was better able to address the challenge of establishing causality. Indeed, establishing causality is the most serious challenge facing Europeanization research (Haverland, 2007; Radaelli, 2012). Again, the literature has traditionally investigated the causal

importance of EU-level factors (top-down), or in the case of bottom-up renderings, state forces. The former assumes that because Europeanization inherently involves adaption to rules, procedures, laws, norms, etc. set at the EU-level, Europeanization must then be caused by factors residing at this level. The latter refers more to member state-EU relations, with the understanding that member states have the ability to impact EU requirements by ‘uploading’ their preferences to the EU-level. In this way, the content of EU requirements reflect the wishes of successful ‘uploaders’ (Börzel, 2002; 2003). However, top-down conceptualizations overstate the importance of EU factors, while bottom-up understandings do not look deep enough for alternative locus of influence.

This research has shown that the cause of Europeanization can be traced to actors outside of the traditional EU-state dichotomy. Moreover, it has presented clear and researchable mechanisms of Europeanization, making the concept more explicit and the methods used to investigate it more tangible. Through the use of process-tracing the actors, goals, outcomes, and the connection between outcomes and *acquis*-compliance were identified and evaluated in twinning projects and NGO cooperation. As a result, alternative explanations such as globalization or organic domestic adaption were dismissed due to their limited influence on these mechanisms.

### **6.3: EU-Candidate State Relations and EU Governance**

#### *6.3.1: Reappraising Conditionality—Distinguishing between Motivation and Action*

EU-candidate relations are, as several authors have explained (Goetz, 2002; Grabbe, 2006; Sedelmeier, 2006; Cengiz and Hoffmann, 2013), characterized by a power asymmetry, where the EU is capable of creating substantial adaptational pressure using conditionality. The candidate state must meet certain conditions—as set out in the *acquis communautaire*—in order

to receive financial rewards, as well as the ultimate reward, EU membership. Indeed, Schimmelfennig and Sedelmeier (2004) suggested that the presence of credible external incentives and the EU's use of '*acquis* conditionality' ultimately drove candidates to adopt EU rules. However, this research's findings suggest a reappraisal of the explanatory value of conditionality is needed. Abiding by such a two-way understanding of the Europeanization process has the effect of blurring the distinction between cause (at the EU level) and effect (at the domestic) (Papadimitriou and Phinnemore, 2003: 8). In order to assess the process by which EU requirements become domestic legislation, policy, or procedure this dissertation argues that it is crucial to distinguish between motivation and action.

Conditionality has been thought of as a 'motivational factor' (Kubicek, 2003:7), as a group of 'tools' (Grabbe, 2001), as a 'bargaining strategy' (Schimmelfennig and Sedelmeier, 2004: 662), and even a 'transformative power' (Jano, 2013: 61). Conditionality refers to the linking of perceived benefits to targeted actions, and is used by the EU to exert leverage on its candidates, persuading, inducing, and even coercing them to adopt desired policy (Kubicek, 2003: 7). It is often seen as the driver of EU compliance. However, the motivational effect of conditionality (the rewards and punishments) is often presented without a complementary explanation about how motivations become action. The concept is presented in a way that assumes that once 'rewards/carrots' and 'punishment/sticks' are presented, compliance follows. But this does little to extrapolate the forms compliance takes or how it is achieved.

Contrary to traditional understandings of EU-state relations this dissertation suggested that the relationship involves two intertwined processes of motivation and action. Conditionality explains how and why EU requirements motivate candidate states to act. Politicians weigh the benefits of compliance against the political and economic costs. Conversely, the actions of EU

candidates are best explained by parsing out the Europeanization process into actionable mechanisms such as twinning projects and NGO cooperation. Identifying and analyzing these mechanisms is critical to establishing how a candidate's motivation to reform is translated into policy, procedural, or legislative change. Moreover, the variables that contribute to the success of these mechanisms allow for a more complete appraisal of the EU Europeanization efforts.

The distinction between motivation and action is especially important when discussing the Europeanization of candidate states, where the explanatory power of traditional neo-institutionalist (top-down and bottom-up) renderings of Europeanization are less evident due to economic, social and political unrest, and low degrees of institutionalization (Goetz, 2002: 3). It is important that we acknowledge the incapacities of the current lot of EU candidate states and reassess the methods that have motivated and aided their compliance with EU requirements. The domestic conditions of the candidates make them ill-prepared to respond to mere cost/benefit mechanisms. Indeed, in the case of Croatia and Serbia, several interviewees explained that their countries initially lacked the fundamental knowledge and administrative capacities to handle the requirements of EU membership (Interviewee 4, 2014; Interviewee 6, 2014; Interviewee 8, 2014; Interviewee 10, 2014). Thus, while the EU can inspire its candidates to act with the use of 'carrots-and-sticks', once compelled, the candidates seek out mechanisms designed to help them develop and implement appropriate solutions. The findings show that these new tactics do not rely on coercion or inducement, but rather on cooperation, consultation, and partnership. The EU's willingness to include new actors and to rely on the alternative mechanisms of Europeanization outlined in this dissertation demonstrates a clear evolution of EU-candidate relations.

### 6.3.2: *A New Mode of Governance or Adoption of 'Good Governance'?*

By adjusting our understanding of the Europeanization process to acknowledge the difference between motivation and action we see that the process itself involves more people and a more sophisticated set of mechanisms than previously understood. The relationship between the EU and its candidates remains asymmetrical in so much as the EU controls access to membership. However, using Kooiman's (1993: 2) definition of governance—'all those activities of social, political, and administrative actors that can be seen as purposeful efforts to guide, steer, control, or manage (sectors or facets of) societies'—the findings suggest that a new mode of governance may define the EU candidacy process. The EU has long promoted the notion of 'good governance' to their external partners (Börzel, Pamuk and Stahn, 2008). For the EU, good governance is linked to the development of civil society and support for their involvement in governance processes (Fagan, 2013: 49). However, incidences of bureaucratic cooperation also demonstrate that a more inclusive and cooperative system of external governance has developed in the EU.

According the EU *White Paper on Governance* developing a more inclusive system of governance, specifically improving engagement with civil society, was an essential part of overcoming its perceived 'democratic deficit' and adopting a system of 'good governance' (Commission of European Communities, 2001). While the concept of good governance originally referred to the efforts of the Commission to improve transparency, democracy, and subsidiarity at the EU level, the notion is implicit in much of the EU's dealing with its candidates (Börzel *et al.*, 2008). The sheer number of twinning projects and level of EU funding for NGOs in the SEECs support this claim.

However, scholars still conclude that traditional modes of governance characterize the accession process. Börzel (2011: 10) claimed that although new modes of governance have appeared, they are ultimately ‘scattered, unstable, and cannot be regarded as typical for accession countries’. Traditional hierarchical systems continue to dominate in the ‘shadows’ (ibid). Systems of governance are ultimately determined by the ‘fundamental capacity of the elites’, for non-hierarchical modes of governance to develop ‘...state actors need to become increasingly dependent on the resources of non-state actors’ (Fagan, 2013: 51). In the cases analyzed by this study, interviewees, including those within state ministries, identified numerous administrative and procedural deficiencies present in state structures. Human resource shortages, budget constraints, a lack of knowledge about EU requirements, procedural problems, political pressure, and public opinion were all acknowledged as issues for the state. As a result, state actors were increasingly dependent on the insights and capabilities of NGOs, and on the financial support and guidance offered by twinning projects. But does this signal a governance shift?

One belief is that a change in governance reflects a reconstitution of the power arrangement between the state, the market, and civil society, and in the context of candidacy, the EU (Fagan, 2013: 48). Accordingly, the findings appear to suggest that a new mode of governance, one defined by state and EU activities, as well as an increasingly significant role for NGOs and foreign civil servants. The latter two actors have used the opportunities available to them to guide and shape the direction of *acquis*-related reforms. However, the findings also revealed that the NGO sectors of both Croatia and Serbia have experienced prolonged periods of stagnation and their development has been hindered by internal and external obstacles. Similarly, the success of twinning projects is dependent on a number of factors informed by state capacities. In such instances, Fagan (2013: 52) contended that neither state nor non-state forces

have incentive to engage the other. The result, he believed, would be a sharing of authority between state and non-state actors with both lacking sufficient capacity (ibid). The problems of such an arrangement are many. Donors are increasingly able to manipulate the reform agenda in such circumstances. States are unlikely to recapture authority once it is shifted to NGOs or the market, and over-empowering NGOs and private actors can lead to incomplete policy solutions (ibid). As a result, such new governance arrangements are unlikely to last.

However, this dissertation suggests a more subtle understanding of governance change. Fagan's (2013) discussion on the emergence of 'new' modes of governance is chiefly concerned with authority, treating it as the basis for change in governance structures. The findings of this dissertation speak to the introduction of new actors and new methods of 'guidance' and 'steering', rather than changes to authority structures. The governance of the candidacy process remains essentially hierarchical: the EU retains control over membership, and the state is responsible for adopting the required policy and legislative reforms. However, the inclusion of NGOs and usage of twinning signal that subtle changes are being made to this system of governance to reflect the value, and indeed, necessity of involving a wider array of actors and tools. In this sense the purely hierarchical domestic systems of governance that characterized many of the SEEC are being rebuilt in light of more progressive understandings of state-society relationships. Instead of conceiving of this process as the emergence of a new system of governance, it may be more appropriate to understand these activities as the adoption of a system of 'good governance'.

## 6.4: The Role of Civil Servants and NGOs

### 6.4.1: Civil Servants and Cooperation

Policies, procedures, and legislation are born from an elaborate process of design, enactment, and implementation. Civil servants play a crucial role in the design and implementation stages of this process. At the EU level these tasks belong to the EU Commission and its vast bureaucratic structure. However, the EU is unique in that in order to understand the development and implementation of policy we must understand that there are two levels to the policy-making process, one at the EU-level and one at the state-level. This is of course because as an international organization the EU is limited in its ability and in the tools available to compel its member and candidate states to comply. The ‘ultimate authority’ to implement EU policy is left up to the individual states (McLaren, 1980: 25). As a result, the EU must rely on innovative tools to influence the ways its *acquis* become part of the legislation and policy of its members and candidates.

The twinning mechanism represents one such tool at the EU’s disposal. However, the influence of twinning has been under explored by the literature. On the one hand, the EU has sponsored a number of reports on the state of twinning (OMAS Consortium, 2001; PLS RAMBØLL Management and Eureval-C3E, 2003) and its application in ENP countries (Bouscharain and Moreau, 2012). In addition, some member states have conducted independent studies of their involvement in twinning (Bartels and Rach, 2009). However, these reports were purely evaluative and did not attempt to engage in conceptual or theoretical questions regarding twinning or its contribution to Europeanization processes. Academic exploration on the other hand has been limited to a handful of scholars. Papadimitriou (2002) provided a preliminary overview of the technical process of twinning and cited several concerns identified in earlier EU reports. In a somewhat refined discussion Papadimitriou and Phinnemore (2003) elaborated on

the significance of twinning for administrative reform processes and claimed that twinning justified extending the scope of Europeanization research beyond the member states. Grabbe (2001; 2006) attempted to ground the twinning mechanism in Europeanization studies and argued that it was one of the mechanisms that contributed to the EU's 'transformative power'. She complimented her conceptual discussion by looking at specific instances of twinning in the CEECs. With a similar focus on enlargement, Papadimitriou and Phinnemore (2004) conducted an in-depth case study of twinning in Romania and found that the success of twinning was determined by program design, institutional fluidity, politicization, individual agency, and domestic reform commitment. Subsequent work on twinning has focused on its application in certain policy fields (Pató, 2009) or particular states (Bürgin, 2014). And yet, this work has been rather sparse.

The findings demonstrate that this neglect is rather unfounded. The proliferation of twinning in the current round of EU candidates suggests that the EU perceives it as a legitimate way of promoting their interests. Moreover, the value of twinning has begun to resonate with domestic actors who understand such forms of cooperation are crucial to their attempts to align their systems with the EU. It is however important to acknowledge the factors which determine the success of twinning projects. Program design, especially the budget, project goals, and activities, played a decisive role in determining the success of twinning in terms of meeting the needs of beneficiary organizations. Capacity-building and public administration reform can involve a number of tasks including improving institutional collaboration, addressing human resource deficits, updating legislation, and implementing new procedures or systems. Consequently, it was particularly enlightening to see how twinning projects balanced an

emphasis on training components with more technical activities such as legal reviews, system development, and resource assessments.

Institutional fluidity and politicization also had a significant effect on twinning in Croatia and Serbia. Several interviewees explained that elections and the politicization of upper-level civil service positions made it difficult to conduct twinning projects because of the effect political turnover has on institutional hierarchies. Ministers and high-level civil servants come and go with elections forcing twinning officers to repeatedly justify their project to new stakeholders. Failure to convince new regimes of a project's worth can mean that the necessary human and physical resources may be withdrawn, putting the entire project in jeopardy. Without the commitment of institutional decision-makers the outcomes of a twinning project may not be adopted or enforced as intended.

The significance of individual agency, accountability, and personality was also confirmed. For twinning to be successful it is important that beneficiary and member state project members foster a collaborative environment where the inputs of all team members are respected. It is also very important that the responsibilities of each task member are clearly defined. Interviewees revealed that problems can arise when twinning members, especially beneficiary members, are unfamiliar with their responsibilities or have misunderstandings about their roles vis-à-vis their counterparts. This problem is rather endemic to the entire twinning process as not enough has been done to explain to beneficiary organizations that twinning is not meant to replace domestic policy-making processes, nor replicate member state policies. Moreover, there were several instances where beneficiary organizations incorrectly believed that MS experts and RTAs should be responsible for more tasks due to their salary or position (Interviewee 16, 2015). This demonstrates a clear misunderstanding about the twinning

mechanism broadly, and the roles and responsibilities of each project member more specifically. Due to these misunderstandings personality conflicts did at times cause undue stress for team members and jeopardize the quality and speed of project outcomes.

Despite these intervening variables it is also important to highlight that the majority of interviewees believed that twinning was a valuable mechanism that should be more widely used during candidacy. There was a consensus among the interviewees that the technical and experiential knowledge transferred during twinning was invaluable to the beneficiary's understanding of EU regulations and the technical requirements for enforcing them. Noticeably, several RTAs also expressed confidence that the learning process went both ways. Member state project members were exposed to new contexts and requirements that spurred them to evaluate their own notions and practices. While the focus of twinning is on the beneficiary organization it is clear from the findings that there is also value for the member states. It was even suggested by a number of interviewees that twinning provides the member states with additional opportunities to advance their foreign policy goals in the region and promote their 'way of doing things'. This is a consideration that has yet to be explored.

#### *6.4.2: The Evolving Role of NGOs*

At their core NGOs operate as a channel through which social concerns and ideas can be expressed to decision-makers (Dür and De Bièvre, 2007). The aim is to convince policy-makers to design policies, procedures, and legislation that reflect socially acceptable norms. The study of NGOs (alternatively called civil society groups, interest groups, citizen groups) is by no means a new field of research. However, interest in their influence in the EU is a relatively new avenue of investigation, really only coming to prominence in the last 15 years (Beyers, Eising, Maloney, 2008; Dür, 2008). Most early explorations looked at NGO influence on specific policy decisions

to counter popular accounts that too often overstated the power of interest groups (Dür, 2008: 1213). These analyses identified several factors that determine the influence of NGO on policy-making processes: access, resources, and focus (Dür and De Bièvre, 2007). Following trends in similar fields of research the literature on interest groups was rather EU-centric, looking predominately at the inclusion of interest groups in EU decision-making processes and the EU's impact on the resources, access, and influence of member state organizations (see Beyers, 2002; 2004; Della Salla and Ruzza, 2007; Dür, 2008; Maloney and Van Deth, 2008; Salgado, 2014). Comparatively little has been written on the EU's impact on domestic NGOs in candidate states, or the role of these groups in the states' accession processes (Fagan, 2010; 2013; O'Brennan, 2013; Wunsch, 2016). It is for this reason that this dissertation took special interest in the role of NGOs during Croatian and Serbian candidacy.

The cases confirm what Zimmer (2004: 14) called the most important roles of NGOs: agents of social integration, deepening and strengthening democracy, and as social service providers. According to Jacoby (2008: 59) domestic interest groups act in one of two ways with regard to externally promoted reform efforts. First, domestic groups can act as veto players, blocking or hindering externally supported reform packages (ibid). Second, they can act as vehicles for the promotion, implementation, and legitimization of externally-demanded changes, a role that Jacoby claimed was especially pervasive in post-communist contexts due to their institutional instability (Jacoby, 2008: 60). Similarly, O'Brennan (2013: 37) claimed that civil society and NGOs in the Western Balkans were used by the European Commission to 'communicate Europe', coalescing local support for EU initiatives and mediating between the state and society. Indeed, in Croatia and Serbia, the legitimizing function of NGOs was particularly important to the EU and its reform efforts. Adoption of the *acquis* is a difficult

process, often with substantial political, financial, and social costs. If properly incentivized, NGOs can have a significant influence on public opinion and society's acceptance of the costs of European membership. This is undoubtedly why the EU is interested in funding not only those groups most capable of implementing and coordinating policy changes, but also those with large constituent bases. Furthermore, this may explain why the EU has repeatedly funded the same large, urban groups, and why interviewees believed a 'two-class' system of NGOs exist in the SEECs.

According to the seminal work of Almond and Verba (1963) civil society organizations are essential to the development and deepening of democracy. They are seen as the bridge between society and the state, and thus are well positioned to communicate the needs and preferences of the people. This is especially true in the EU context as the distance between decision-makers and the people in such a multi-levelled system is quite large (van Deth and Maloney, 2008: 6). This may explain why the EU has sought out the help of Croatian and Serbian NGOs to identify domestic concerns, propose policy alternatives, and monitor recently enacted initiatives—an added value understood by the EU as far back as 2002 (European Commission, 2002b: 25). Moreover, in many policy sectors the expertise of Croatian and Serbian NGOs is acknowledged by EU and domestic actors and thus their inclusion not only provides democratic legitimacy to decision-making processes but also increases the likelihood of effective policy outcomes.

In general, NGOs are believed to bolster democracy by encouraging the development of pro-democratic values such as civic engagement, participation, and justice (ibid). In Croatia and Serbia, NGOs were essential to the movements that rid their countries of authoritarian regimes and established democratic systems of governance. They continue to serve as political

watchdogs, monitoring anti-democratic practices and speaking out against corruption and injustice. Across policy sectors, Croatian and Serbian NGOs advocate for more inclusive decision-making processes and address issues important to social welfare. In this way, the cases demonstrate that NGOs in Croatia and Serbia are indeed important flag bearers for democratization efforts.

At the same time, Croatian and Serbian NGOs continue to provide vital social services. Many groups dealing with environmental protection, education, healthcare, gender equality, and human rights developed in the absence of state support or provision. During the political and social chaos that plagued much of the region throughout the 1990s the government was simply unable, and at times unwilling, to provide these core services to segments of the population. Especially hard hit were rural and minority communities. In fact, Croatian NGOs became so important that the government actually began to certify and fund them as official social service providers (USAID, 2015: 65-66). In Serbia, the majority of NGOs still focus on social service issues, recently being given the opportunity to charge fees for their services, a vital new source of income (Civic Initiatives, 2011: 8-9, 12).

The 'misfit' between EU and domestic systems create new opportunities (from shifts in resources and power) for societal actors to pursue their interests (March and Olsen, 1998). The findings suggest that NGO influence depends on a combination of opportunity and capacity. In other words, the 'two-class' system of NGOs that some interviewees identified was also created because some groups are simply more adept and better positioned to exploit the opportunities offered by the Europeanization process (Börzel and Risse, 2000). Jurje (2013: 53) explained that the opportunities afforded to NGOs during accession depend largely on a group's ideological lines and policy focus. The 'winners' are those groups that share similar policy preferences as the

EU and that align their focus to *acquis*-related issues. The ‘losers’ are then those groups that deal with highly sensitive or low-priority issues. Additionally, the data suggests that those groups with strong project management skills, innovative public relation ideas, sound financial practices, and committed workforces tend to be best positioned to capitalize on their opportunities.

In addition to access, focus, and resources the findings revealed that internal organization and management, public opinion, and external pressure also determine the influence of NGOs on policy-making processes. EU and state officials prefer to engage the most established and credible NGOs. NGOs establish themselves and gain credibility by demonstrating their expertise in a specific policy area and successfully leading efforts to address perceived public concerns. Therefore, the ability of an organization to manage their finances effectively, ensure long-term financial viability, address human resources problems quickly, and carry out successful projects contributes to their ability to influence policy-making processes. Equally so, the findings showed that an organization’s ability to convey their mission to the public and publicize their activities contributed to the public’s perception of their work. In order for an organization to be seen as legitimate by state and EU actors it is important that they represent the public interest, and crucially, that they possess a strong public following. And yet scholars and EU officials alike doubt whether NGOs in the SEECs truly possess this public legitimacy (Cullen, 2010).

NGO influence is also affected by external pressure. Attaining funding has been particularly difficult for many NGOs in the SEECs and thus they have had to tailor their focus and efforts to meet the demands of their foreign benefactors. Although, project-based funding has been, and largely still is, the basis of most NGO budgets, relying on such a method has also meant that the sheer existence of many NGOs in the SEECs is constantly in flux. As a result,

their opportunity to impact the policy-making process is inseparably aligned with their ability to continually alter their focus and efforts to the demands of foreign donors.

The lack of intra and cross-sectoral networking in Serbia and Croatia was quite alarming. Contrary to findings in several other EU contexts (Salgado, 2014) Serbian and Croatian NGOs have generally shied away from developing tangible and long lasting partnerships. Although many foreign donors have made such partnerships a funding requirement, as several interviewees noted, the partnerships that develop as a result of these requirements are not deep and are often only real on paper. The more established NGOs see no tangible benefit to including junior partners aside from meeting the demands of their patrons. While one might then expect smaller groups to band together, partnerships have not materialized due to the hyper-competitive funding environment perpetuated by the EU and other foreign donors. Groups prefer to fight for funding than give up autonomy, which they see as a result of networking. This revelation is quite alarming because the EU has made networking a significant part of their capacity building efforts.

In this regard, there may be reason to question the effectiveness of EU efforts to strengthen the capacities of SEE NGOs (Fagan, 2013; O'Brennan, 2013). Several interviewees felt that the EU's restrictive and overly bureaucratic funding requirements limited their opportunities to capitalize on the EU's capacity-building efforts. Instead of attaining knowledge from EU-supported programs, NGOs often felt inundated with paperwork and unnecessary reporting requirements. Aside from funding restrictions it is also unclear whether the EU's blanket 'capacity-building' efforts are sophisticated enough to address the more specific obstacles facing NGOs. Indeed, one EU official expressed frustration with the EU's engagement with Balkan NGOs due to its reluctance to tailor programs to their individual needs. While

proposal writing skills and understanding EU requirements are important, Croatian and Serbian NGOs also struggle with staffing turnover, public relations and promotion, and resource shortages. From the findings, it appears, at least preliminarily, that the EU's funding scheme is too bureaucratic and its capacity-building programs too 'one-size fits all' to have the emancipatory effect it rhetorically advances.

## **6.6: Windows of Opportunity and New Member States**

The findings of this research suggest that EU candidacy represents a 'window of opportunity' wherein the EU and the candidate are able to develop and implement reforms on an unprecedented scale. Perhaps, more significantly however, is what the presence of this window means for compliance after accession—what happens when the window closes—and whether incidences of 'backsliding' (Sedelmeier, 2014) and 'partial compliance' (Noutcheva, 2009) necessitate the extension of these horizontal mechanisms of Europeanization to the NMS.

### *6.6.1: Window of Opportunity: Candidacy*

Grabbe (2006: 1) stated that because candidates often want membership more than the EU wants to accept them, the EU possesses tremendous leverage over the candidates during membership negotiations. As a result, the EU is able to put forth unattractive policy requirements to the candidates that accept the demands because of the attraction of membership (Grabbe, 2006: 2; Moravcsik and Vachudova, 2003: 43). Indeed, Schimmelfennig and Sedelmeier (2004: 661) claimed that the candidates' desire, coupled with the strict reforms necessary for membership, give the EU 'unprecedented influence on the restructuring of domestic institutions and the entire range of public policies' in the candidates. Borrowing a term from public administration, Crouch (2013) called this period of unprecedented influence a 'window of

opportunity' through which a diverse set of actors gain the ability to influence reform processes (see Kingdon, 1984 for original usage).

As the literature has already recognized, due to the asymmetric nature of EU-candidate state relations and growing specificity of the *acquis communautaire*, the EU is able to control the policy agendas developed around membership (Grabbe, 2001; 2006; Schimmelfennig and Sedelmeier, 2004; 2005). Most significantly, the EU serves as a gate-keeper, determining whether candidates have met the criteria necessary to access further stages in the negotiation process, and ultimately membership (Grabbe, 2006: 75-76). While the EU is subject to constraints, it uses several routes to solidify its leverage in membership negotiations, such as aid and technical assistance, its monitoring provisions, and of course the *acquis communautaire* (ibid: 76). Its control over membership however, is the EU's single most powerful conditionality tool (Kelley, 2004; Schimmelfennig and Sedelmeier, 2004; 2005; Schimmelfennig, 2005; Grabbe, 2006; Sedelmeier, 2011).

To a lesser extent, candidate states can manipulate the reform process, employing different implementation strategies and tailoring solutions to meet their domestic interests (Grabbe, 2006). While limited in their ability to 'shape' the EU's demands for domestic change (Börzel, 2003), the candidate states are ultimately responsible for designing and implementing the reforms necessary to comply with the *acquis*. Moreover, in many policy areas the EU does not possess one single model of governance, but rather a diverse set of policy programs, each informed by unique domestic conditions (Grabbe, 2006: 78). Even in policy areas where the EU is more specific about its expectations it is doubtful that such requirements will produce an outcome unaffected by 'natural processes of adaption' (Page and Wouters, 1995: 202). As a result, no single form of adaption has been witnessed in either the member or candidate states

(Héritier, 2001; Goetz, 2001). Thus, while the content and requirements of EU membership are set at the EU level, through processes of negotiation and debate, and because of unique domestic considerations, candidate states do have an ability to manipulate Europeanization processes (Papadimitriou and Phinnemore, 2003: 15).

This research has demonstrated that the window of opportunity is open to EU and state actors, as well as to an increasingly diverse set of actors including NGOs and civil servants. Due to the capacity-building efforts of the EU, its member states, and the candidates themselves, NGOs have begun to take part in decision-making processes, and have seen their role in implementation processes recognized by both public and private actors. The window is also open to civil servants, who, through twinning, have the unique opportunity to control the type of systems, procedures, policies, and legislation developed to comply with the *acquis*. Indeed, Grabbe (2006: 80) mentioned the significance of twinning as a route of Europeanization. Through a complex process of negotiation, cooperation, and knowledge transfer, member and candidate state civil servants help translate requirements set at the EU/state level into actionable solutions.

However, as Kingdon (1984: 167) pointed out, these windows of opportunity are only open for a limited time. In the case of candidacy, EU leverage—attained through conditionality—is compromised by accession (Steunenberg and Dimitrova, 2007; Sedelmeier, 2012). Moreover, twinning projects and a significant number of NGO capacity building efforts (TACSO offices for instance) end upon accession, or shortly thereafter. The thought is that membership signifies that the candidate, now member, has reached an ‘acceptable’ level of development, and met the requirements to be considered an EU member. However, recent

developments in many of the NMS suggest that there is potential for policy backsliding or partial compliance. The next sub-section investigates these issues, their causes, and the EU's reaction.

### *6.6.2: Backsliding and Partial Compliance*

Shortly after the EU introduced ten new members, Schimmelfennig and Sedelmeier (2004: 676) wondered 'what [would] happen after accession, when the external incentives underpinning EU conditionality [were] no longer be available'. They believed that there were reasons to worry about whether compliance in the NMS would 'slow down, stop or even be reversed', and admitted that the short-term compliance achieved during candidacy may have come at the expense of 'long term efficiency' (Schimmelfennig and Sedelmeier, 2004: 676). Indeed, the same questions dominated the Europeanization, compliance, and enlargement literature in the years after the 2004 and 2007 enlargements. While some scholars were apprehensive about rushing to conclusions (Ágh, 2010; Cirtautas and Schimmelfennig, 2010), or found variation between cases (Pridham, 2008), the majority of early studies on compliance in the NMS found little evidence for backsliding, or the reversal of pre-accession democratic and good governance reforms (Epstein, and Sedelmeier, 2008; Falkner and Treib, 2008; Levitz and Pop-Eleches, 2010a; 2010b; Sedelmeier, 2008; 2011; 2012; Spendzharova and Vachudova, 2012). However, recent socio-political developments in Hungary, Romania, and Bulgaria have shifted the tone of the debate, leading many scholars to reassess their previous positions (Ágh, 2014; Sedelmeier, 2014) and debate the EU's intervention strategies (Iusmen, 2014; Gherghina and Soare, 2015).

In order to understand possible interventions, it is first important to understand the causes of backsliding and partial compliance. The most basic explanation is that due to the EU's loss of material leverage—control over membership—its power over the NMS is 'normalized'

(Cirtautas and Schimmelfennig, 2010: 422), potentially causing some NMS to backslide (Schimmelfennig and Sedelmeier, 2004; Pridham, 2008; Sedelmeier, 2008). The thought was that NMS might seek ‘revenge’ on the EU, in the form of policy reversions and political shifts, for its application of strict, pre-accession conditionality (Falkner and Treib, 2008: 299). Some scholars argued that the EU’s loss of leverage and initial instances of backsliding could happen before membership, as the candidate approaches its accession date (Steunenberg and Dimitrova, 2007; Böhmelt and Freyburg, 2012). Using game theory, Steunenberg and Dimitrova (2007) found that once a ‘hard’ date of accession is given—treaty signed and negotiations completed—the candidate state has little motivation to continue domestic reforms as they are no longer subject to threats of postponing or stopping the negotiation process (Steunenberg and Dimitrova, 2007: 14).

Cirtautas and Schimmelfennig (2010) argued that legacies could explain policy variation across the NMS. They believed that legacies and country-specific experiences led to the unique institutional configurations and sociocultural capacities of each NMS (Cirtautas and Schimmelfennig, 2010: 422-23). Consequently, this variation could cause different forms of post-accession policy-making and implementation (*ibid*). While variation alone does not explain backsliding, it is clear that domestic factors, such as administrative capacities, budgetary constraints, and levels of societal mobilization, which Cirtautas and Schimmelfennig (2010: 423) link to legacies, do impact post-accession compliance (Sedelmeier, 2008). Indeed, because of these domestic constraints, backsliding may not be a strategic choice, but rather a pragmatic solution to domestic opposition, rising operational costs, and administrative limitations (Sedelmeier, 2008: 808-810).

Domestic factors have taken priority in most investigations of backsliding and partial compliance. Falkner and Treib (2008) investigated the effects of political will and implementation capacities on compliance in the NMS. They found that contrary to others (Goetz, 2005), political will and administrative capacities were not the main hurdles for compliance in the NMS (Falkner and Treib, 2008: 307). Rather, they found that similar to the more established EU-15, insufficient enforcement systems, political contestation at the transposition stage, and systemic failures at the application stage best explained incomplete compliance with EU standards (ibid: 307-308). The four NMS investigated were categorized as residing in the ‘world of dead letters’, whereby EU directives may be transposed in a compliant manner, but where, due to lax monitoring and enforcement systems, the directives do not become effective in practice (ibid: 308-309).

Sedelmeier (2012: 22) criticized similar studies on ‘general explanatory factors such as state power and administrative capacity’ (Börzel and Risse, 2012), for being insensitive to the role of pre-accession institutional change. He found that pre-accession institutional change had a significant impact on the sustainability of ‘conditionality-induced Europeanisation’ in several NMS (Sedelmeier, 2012: 36). Although, such change does not guarantee post-accession compliance, or prevent backsliding, it improves the probability that pre-accession reforms will be sustainable (ibid). Interestingly, he discovered, such as Falkner and Treib (2008), very little difference between the EU-15 and NMS in terms of their odds of backsliding.

More recently, Iusmen (2015) found that the presence of specific domestic conditions, specifically political miscalculations, tensions in ruling coalitions, and opportunistic actions, had a significant effect on backsliding in Romania and Hungary. In Romania, Iusmen looked at the impeachment proceedings against President Băsescu and found that the combination of these

domestic factors strengthened the EU's material leverage—exerted by the threat of withholding Schengen membership—and led to a reversal in democratic backsliding (Iusmen, 2015: 600-602). In the absence of these conditions, the EU has been unable to prevent the anti-democratic policies of Hungarian Prime Minister Viktor Orban (ibid: 603-605). Analyzing the same cases Sedelmeier (2014: 119) confirmed that the EU's leverage over backsliding NMS is tied to its possession of material incentives (Schengen, IMF loan), ability to punish (fines), and ability to drum up societal pressure. Similarly, Ghergina and Soare (2015: 16) found that in the Romanian case the EU still has 'some carrots left in the bag of conditionality', however the tools that it uses (provisions in Article 7 of the Treaty on European Union) and its effectiveness in preventing backsliding are dependent on complex interactions between international and domestic actors.

Ganev (2013) put much of the blame for post-accession backsliding in Romania and Bulgaria on the shoulders of the political elite, which he claimed were taking part in a form of 'post-accession hooliganism' (Ganev, 2013: 27). According to him, Romanian and Bulgarian politicians began to change the rules after accession, with little concern for the broader consequences of their actions (ibid: 36). In other words, the political elite had lost the motivation to maintain the normative frameworks, which had originally gone against their interests (ibid). Put more subtly, Greskovits (2015: 28) argued that post-accession compliance was indeed linked to elite behavior and that the potential for backsliding was dependent on the 'loyalty of political elites to democratic principles'.

Recent events in Romania, Hungary, Poland, and many of the other NMS (Greskovits, 2015 makes claims about Latvia as well), make clear that there is a tremendous potential for backsliding in the NMS, and for some, equally in the EU-15 (Falkner and Treib, 2008; Sedelmeier, 2012). Contemporary scholarship has responded to instances of backsliding

(particularly in Romania and Hungary) by analyzing the causes, implications (on policy, legislation, social dynamics), and EU reactions (Ugur, 2013; Sedelmeier, 2014; Ghergina and Soare, 2015; Iusmen, 2015). What scholars have found is that, similar to the principles that defined pre-accession conditionality, the EU's leverage over NMS is tied to its possession of carrots-and-sticks (material rewards and punishment) (Spendzharova and Vachudova, 2012; Sedelmeier, 2014), and prevailing domestic conditions (Gherghina and Soare, 2015; Greskovits, 2015; Iusmen, 2015). However accession has 'stripped' the EU of many of its attractive rewards, leaving it with only a limited ability to punish (Gateva, 2010: 21). In the absence of a credible reward or punishment, as we see in Hungary, the EU is rather unable to prevent instances of backsliding (Iusmen, 2015). In the next sub-section, this dissertation suggests another solution: the extension of horizontal mechanisms of Europeanization.

### *6.6.3: Extending the Window*

What can be done to prevent policy backsliding and ensure complete and sustainable compliance? Ágh (2014: 25) believed that 'a new start [was] needed in Europeanization'. Similarly, this research suggests that one possible way to address compliance problems in the NMS is to prolong the window of opportunity; extending the life cycle of twinning and NGO capacity building projects to the initial years after accession and complementing the cooperation and verification mechanism (CVM). Sedelmeier (2012: 20-21) claimed that Europeanization through socialization 'remain[s] unaffected by accession', that if 'states consider compliance with the EU's rules and institutional models as appropriate behavior, then compliance is unsusceptible to diminishing power of external sanctions'. Thus, extending the use of twinning and NGO capacity-building projects to NMS may serve as worthwhile alternatives to the increasingly unsuccessful conditionality mechanisms.

The CVM was developed prior to 2007 to strengthen the EU's monitoring and evaluation rights vis-à-vis Romania and Bulgaria (Carp, 2014: 5). The legal basis of the CVM was detailed in each of the countries Accession Treaties, specifically Articles 36-38, which gave the EU a trio of 'safeguard clauses': an economic, internal market, and justice and home affairs variant (European Commission, 2005c: 40-41). These clauses gave the EU 'authorisation to take protective measures...for such periods as are strictly necessary' (ibid: 40), including 'the suspension of Member States' obligation to recognise and execute...Bulgarian [and Romanian] judgments and judicial decisions' (European Commission, 2006b: 58; European Commission, 2006c: 3). The EU retained an explicit monitoring provision for three years, although the clauses could be applied beyond three years provided 'the relevant commitments have not been fulfilled' (European Commission, 2005c: 40). The EU felt it necessary to implement such a mechanisms because it saw clear signs of 'serious shortcoming or...imminent risks of such shortcomings' in Bulgaria and Romania (ibid). More telling is that this kind of statement was made prior to their accession, suggesting that the EU was well aware that there may be unfinished work in the NMS (Toneva-Metodieva, 2014: 538).

Following its mandate, the EU conducted a series of monitoring and evaluation reports on Bulgaria and Romania over the last nine years (Gateva, 2010; 2013). In both cases, the reports identified serious issues with post-accession compliance (Carp, 2014; Toneva-Metodieva, 2014: 542). However, despite constant signs of regression, the EU has never invoked any of the sanctions established in the CVM (losing the ability to do so in 2010), preferring to use financial sanctions, which it had always had the ability to use (Gateva, 2010: 19-20). By choosing not to enforce CVM sanctions, the EU effectively reduced the CVM to a monitoring mechanism (Toneva-Metodieva, 2014: 548). And while monitoring is a useful and important function, by

limiting the penalizing power of the CVM, the EU diminished the effectiveness of its post-accession conditionality (Gateva, 2013: 436).

The CVM's shortcomings (or perhaps its misapplication) and the findings of this dissertation suggest that rather than further incentivizing (positively or negatively) the post-accession process, the EU should investigate alternative mechanisms of ensuring compliance. This is especially true in contexts such as Croatia, where a monitoring mechanism similar to the CVM was deemed unnecessary (Euroactive, 2010; Gateva, 2010: 22). Epstein and Sedelmeier (2008: 803) predicted that 'post accession could be a more favourable context for observing alternative mechanisms, as they are no longer crowded out by overwhelming incentives'. They guessed that post-accession periods would give researchers the opportunity to 'appreciate the full importance of socialization processes that accompanied the use of conditionality' (Epstein and Sedelmeier, 2008: 803). Unfortunately, many such processes, such as twinning and NGO cooperation (as aided by capacity building efforts) end shortly after accession.

The economic and migrant crises currently facing the EU reminds us that EU policy, legislation, and norms must always remain fluid, adaptable to sudden and unexpected events. Such events will undoubtedly require member states to reassess their policy frameworks and make changes to meet new EU requirements. For NMS, academics (Toneva-Metodieva, 2014) and practitioners (Interviewee 3, 2014; Interviewee 11, 2014; Interviewee 13, 2014; Interviewee 30, 2015) agree that there is still work to be done after membership. One way of dealing with both these situations is to extend the twinning mechanism and NGO capacity building projects after accession.

'Membership does not mean compliance' (Interviewee 3, 2014). State administrations still face challenges meeting domestic and EU requirements. For this reason one former RTA

saw no reason why twinning should only be a pre-accession mechanism (ibid). NMS should continue to ‘learn from the best’, especially in areas of need (ibid). Another RTA explained that the only revisions necessary to make twinning a valuable post-accession tool would be to adjust the goals of twinning projects to address the specific issues faced by NMS, instead of the *acquis* more generally (Interviewee 7, 2014).

The enthusiasm for post-accession twinning is shared by civil servants in the NMS as well (Interviewee 11, 2014; Interviewee 12, 2014). One former PL believed that the EU should ‘promote an idea of twinning in all administrations of the EU’ because there are many ‘common European problems’ that must be addressed by new and old member states alike (Interviewee 11, 2014). Another BC twinning member explained that legislation still needs to be updated and implemented after membership (to comply fully with the EU), and practitioners can still benefit from efforts to help explain their new duties (Interviewee 13, 2014). For that reason she believed that twinning held tremendous value for the NMS, at least during the first 3-5 years after accession (ibid).

NGO capacity building projects have largely become the responsibility of government agencies in the NMS, where there seems to be a prevailing understanding that the capacities of NGOs have ‘already [been] raised’ (Interviewee 28, 2014). As a result, much of the funding for capacity-building projects has dried up (Interviewee 30, 2015). More concerning, practitioners and academics have begun to notice backsliding in the development of NGOs and their relationships with government (Greskovits, 2015; Interviewee 30, 2015; Wunsch, 2016). One NGO representative in Croatia described the post-accession environment as one where NGOs have taken ‘one-step forward, and two-steps back’ (Interviewee 30, 2015). She expressed

concern about the declining standard of NGO-state relations, and was afraid that political turnover may jeopardize much of the progress gained before accession (ibid).

Backsliding in this manner is troublesome because, if properly mobilized, NGOs can become key norm entrepreneurs, pressuring governments to continue reform agendas and preventing policy digression (Dimitrova and Buzogány, 2014). Preserving the strength of NGOs and their embeddedness in decision- and policy-making structures plays an important part in preventing instances of backsliding (Greskovits, 2015). In their case studies on environmental policy in post-accession Romania and Bulgaria, Dimitrova and Buzogány (2014: 152-153) found that NGOs had been ‘conduits for norm diffusion’, building on ‘their tradition of political mobilization to successfully open up the policy process’. In this regard, it is important that the EU maintain an active role in NGO development, as domestic NGOs may have to rely on the EU for support when opportunities for domestic consultation are not available (Dimitrova and Buzogány, 2014: 153).

Instances of backsliding, policy digression, and partial or incomplete compliance have occurred in several of the EU member states, new and old. The EU has thus far relied on its ability to withhold funding, rhetorically shame, or fine its members, abiding by the principle of conditionality. Even in its most recent NMS (Bulgaria and Romania) the EU employed a mechanism of conditionality (the CVM) that while intended to strengthen its leverage against future instances of backsliding, has only really been utilized as a monitoring instrument. The EU has had limited success preventing backsliding using post-accession conditionality (Sedelmeier, 2014; Iusmen, 2015). And yet, it has not sought out alternative mechanisms of influence that could utilize different techniques of promoting compliance. Numerous scholars have shown that backsliding results from the willingness of decision-makers to renege on previous commitments

(Ganev, 2013; Greskovits, 2015; Iusmen, 2015). This willingness would seem to demonstrate a need for further socialization. The EU must continue to stress the benefits of EU compliance and present decision-makers with opportunities to learn from their counterparts. This dissertation argues that the twinning mechanism and deeper NGO-state cooperation could provide the EU with such an opportunity.

## **6.7: Chapter Conclusion**

This dissertation began with a set of research questions that asked whether traditional understandings of the Europeanization process provided adequate explanations of the processes of domestic adaption taking place in SEE, or whether the significance of bureaucratic cooperation (twinning) and NGO cooperation, which it labeled mechanisms of ‘horizontal Europeanization’, demanded a reappraisal of the theory. What emerged from the case studies on Croatia and Serbia was that traditional notions of Europeanization did a poor job of explaining how candidates with low levels of institutional preparedness, significant public EU-skepticism, and legacies of political instability translate EU-membership requirements into domestic reforms. It became apparent that a distinction between motivation and action was needed. While candidates are motivated by the EU’s use of incentives and punishments, in order to overcome the unprecedented obstacles faced by these candidates, the EU and domestic actors relied on new, alternative tools and actors to design, coordinate, and implement their reform initiatives.

However, there are of course limits to the utility of these mechanisms. Internal and external factors impact the level of influence twinning projects and NGO cooperation have on processes of domestic adaption. Especially relevant for twinning projects were group cohesion, political buy-in, and resource availability. The impact of NGOs was similarly affected by political resistance, public opinion, financial uncertainty, and internal mismanagement.

Regardless of the intervening variables the prevalence of both twinning and efforts to improve NGO-state cooperation demonstrate their significance and demand that the Europeanization literature look deeper into processes of domestic adaptation.

In this chapter the significance of these mechanisms was explored. This chapter showed that the findings of this study have implications for issues much broader than Europeanization. First, the introduction of horizontal mechanisms of Europeanization speaks to the explanatory power of conditionality and approaches the stress the significance of incentives, bargaining, and hierarchical negotiations. This chapter argued that while conditionality is indeed a force that motivates candidate states to comply with EU requirements, it does not explain how motivation translates into action. The mechanisms presented in this dissertation bridge the gap between motivation and compliance by specifying the concrete steps and actions taken by the candidate states (once motivated) to comply with the *acquis*.

By demonstrating the diverse set of actors and mechanisms used in the Europeanization of candidate states, this dissertation also speaks to a more inclusive form of EU external governance. The introduction of civil servant cooperation and deepening of NGO-state relations has led to a subtle shift in the way candidate states are steered and guided. Authority structures have remained dominated by EU and state forces, however, it is clear from the findings of this study that a more progressive understanding of ‘good governance’ has begun to take hold in the SEECs.

This chapter also spoke, more generally, to the evolving role of NGOs and civil servants in processes of domestic adaptation. The development and adaptation of domestic policies, procedures, and legislation involve a complex process of design, enactment, and implementation. In candidate states, deficient institutional practices and procedures, weak inter-agency

cooperation, political apathy, and the absence of necessary technical and experiential knowledge can challenge their ability to comply with the strict *acquis* requirements. While their success can vary, the twinning initiative and deeper NGO-state relations have been critical to overcoming these challenges. The external expertise, institutional support, and financial aid offered by the twinning initiative have been indispensable to the candidates' reform efforts. Likewise, NGOs have provided the EU and candidates with a vital source of knowledge and policy alternatives, and crucially, a connection to the citizens most affected by new policies.

This chapter also argued that the success of horizontal Europeanization is such that its mechanisms may represent an opportunity to address backsliding and partial compliance in NMS. The EU has continued to rely on mechanisms of conditionality to induce compliance in NMS. However, this chapter detailed how these efforts have only garnered partial success. Indeed, decision-makers in several NMS have demonstrated an ability to resist EU pressure, regardless of rhetorical threats. This is in-large part due to the EU's inability to offer NMS a significant reward for compliance, and its unwillingness to use recourses afforded to it in the CVM. As a result, this chapter suggested extending the period in which the twinning initiative and NGO capacity-building projects are offered by the EU. Doing so would reduce the financial burden of compliance and provide the EU with an alternative, less coercive tool through which to induce compliance. Indeed, most scholars have reduced instances of backsliding and partial compliance to a lack of political will, and thus mechanisms that rely on socialization, such as twinning and NGO cooperation, seem a worthwhile alternative.

## Chapter 7: Conclusion

### 7.1: Introduction

While the previous chapter discussed the broader theoretical, methodological, and empirical implications of the Croatian and Serbian cases for the literature, this chapter presents a more holistic analysis of the dissertation's arguments and considers the implications for horizontal mechanisms themselves. Chapters 4 and 5 found that traditional notions of Europeanization struggle to explain how candidate states respond to EU membership requirements. They suggested that by looking at alternative mechanisms of Europeanization, horizontal to the traditional top-down – bottom-up hierarchical notion, a more complete picture of the processes of domestic adaptation could be drawn. An important part of this analysis was uncovering factors that impact the ability of these horizontal mechanisms of Europeanization to influence the necessary policy, legislative, and procedural reforms. However, Chapter 4 and 5 did not address in detail what must be done to overcome the obstacles facing these mechanisms and improve their Europeanization potential. This chapter aims to address this omission, evaluating the limits of the concept of horizontal Europeanization, as well as its mechanisms.

The remainder of the chapter is arranged in four sections. Section 7.2 presents the dissertation 'in a nutshell', summarizing the key claims that have been made. Section 7.3 addresses the limits of horizontal Europeanization, distinguishing between what it can and cannot explain. Section 7.4 provides a series of conclusions based on the cases presented in Chapter 4, and offers recommendations to ensure future twinning projects are designed and implemented to meet the unique needs of the SEECs. Section 7.5 presents 'paths forward' for Serbian NGOs and speculates about their future role in Serbia's membership preparation. It argues that in order to remedy the lack of systematic NGO engagement in the accession process,

the EU, its candidates, as well as NGOs themselves, must devise ways to address the financial vulnerability, political hostility, and capacity deficits that currently undermine NGO-state relations. Section 7.6 presents some closing remarks.

## **7.2: Claims ‘in a Nutshell’**

At its core this dissertation was interested in reevaluating the nature of Europeanization, in light of the unique domestic conditions of the SEECs and the EU’s evolving response to these conditions. On the one hand, it sought to evaluate the usage of the twinning mechanism, designed to strengthen the administrative capacities of the candidate states and improve their ability to comply with the *acquis communautaire*. Twinning is built upon a foundation of cooperation between member and candidate state civil servants, and relies on negotiation and mutual decision-making to produce ‘mandatory results’. On the other hand, it also looked at the development of Croatian and Serbian NGOs, and investigated the synergy between the NGO sector and government. NGOs have played an active role in the socio-political developments of Croatia and Serbia and have sought to contribute to pre-accession reform efforts. Undoubtedly, they have faced tremendous internal and external obstacles, but have seen their influence grow through the accession process.

These two activities were presented together as mechanisms of ‘horizontal Europeanization’, or rather the domestic adaption to EU norms, values, legislation, and policy using mechanisms of civil servant and NGO cooperation. This form of Europeanization has been underexplored by the literature on Europeanization, conditionality, and EU foreign policy. Rather the literature has been focused on the presence of ‘carrots and sticks’, and the strategic usage of each by the EU to ensure compliance. It has concentrated on how the EU has coerced its members (and candidates) to abide by its rules in a ‘top-down’ manner, and consequently, how

the states respond to such pressures and try to influence EU rules and regulations from the ‘bottom-up’.

This dissertation argued that such a dichotomy overlooks the increasingly important role of actors and processes outside of the traditional state-EU nexus. Neither twinning, nor NGO cooperation fits comfortably in the top-down – bottom-up categorizations of the Europeanization process. While the EU facilitates twinning by providing the opportunity and funding for such cooperation to take place, it does not choose the twinning partners or participate in the day-to-day tasks. Moreover, the EU does not demand a particular ‘European administrative model’, preferring a ‘varied approach’; where candidates have access to an ‘administrative market’ (Papadimitriou and Phinnemore, 2003: 16). At the same time, NGO cooperation and capacity-building projects do not fit fully in ‘bottom-up’ understandings of Europeanization. Most conceptions of bottom-up Europeanization focus on the influence of states (Börzel, 2002; 2003), whereas in the case of NGOs and the state, relationships are often contentious, with NGOs frequently advocating policy and reforms at odds with state interests. In that sense, NGO influence cannot be considered to represent bottom-up influence in the same manner conceived by the literature. At the same time as NGOs reside outside of the state-EU structure, they tailor their interests and motives to meet funding requirements, and often become strong advocates for *acquis*-linked reforms. They are thus still a strong source of Europeanization.

Chapter 4 presented an analysis of twinning in Croatia and Serbia. It discussed why in both cases, a facilitated system of public administration reform was necessary. Croatia and Serbia both experienced recent periods of ethnic warfare, semi-authoritarian leadership, and political uncertainty. As a result, both countries were left with underdeveloped bureaucracies, unable to handle the rigors of EU membership. However, Croatia’s relationship with the EU

began several years before Serbia's, and thus it has experienced a longer period of EU technical and financial assistance. Twinning has been a key component of this assistance.

Twinning projects were shown to address a number of issues, including knowledge gaps, procedural deficiencies, inter-ministerial cooperation, system needs, and outdated or non-existent legislation. The dynamics that contribute to the success of twinning projects were also identified. The importance of personalities, role perception, management styles, human resources, political buy-in, and mutual commitment were all examined. Similar to other mechanisms of Europeanization, intervening factors such as these can/and do affect the quality of outcomes produced. However, there was near consensus among interviewees that twinning represented tremendous value for the candidate states not only for the experiential and technical knowledge that was exchanged, but also for the partnerships that had formed between the project participants and relevant stakeholders.

Chapter 5 showed that the chaotic geopolitical climate in SEE after the dissolution of Yugoslavia also took its toll on the development of NGOs and their cooperation with government. During the semi-authoritarian leaderships of Slobodan Milošević (Serbia) and Franjo Tuđman (Croatia) NGOs were the catalyst for change. In Croatia, organizations such as GONG promoted civic participation and exposed Croats to the corruption that had prevailed under Tuđman's regime. Similarly, in Serbia, a coalition of NGOs, known as IZLAZ 2000, led the campaign against Milošević's regime and were partially responsible for the electoral triumph against Milošević. In both states, NGOs were systematically discriminated against, and portrayed by the media and state as sources of foreign interests, leading to negative public opinion and apathy towards their work.

Even after the death of Tuđman and ouster of Milošević, support for NGOs and the development of more cooperative state-NGO relationships was slow. While the Croatian and Serbian governments rhetorically supported the development of civil society and the deepening of relations, they were slow to remove technical barriers and formalize the legal status of NGOs. With pressure and aid from the EU and other foreign sources, the development of NGOs and their status vis-à-vis the government did see improvement in the mid-2000s. The EU flooded the market with financial and technical assistance, albeit with very strict application requirements. With EU support Croatian NGOs slowly started to make in-roads into decision-making forums. By 2013 over half (54%) of Croatian NGOs declared that they had participated in or implemented an EU-funded project, and around a third (31%) stated that they had had some form of participation in national programming (Đokić and Sumpor 2013: 18). In the same year nearly 800 Croatian NGOs participated in government advisory bodies, and over 100 were active in parliamentary committees (Pernar, 2013: 11; USAID, 2014: 60). Serbia's NGO sector and its cooperation with government is at a relatively lower state of development, in large part because Serbia-EU relations took longer to develop. Serbia is expected to open its first *acquis*-chapter in 2016, whereas Croatia became an EU member in 2013. As a result, the true effects of EU financial and technical assistance are only just beginning to be felt in Serbia.

Although NGO-state relations in Serbia are more advanced than 10 years ago, there are still significant obstacles that must be overcome. Financial sustainability is by far the most pressing concern for Serbian NGOs. Funding is still attained on a project-by-project basis. As a result, NGOs must continually shift their attentions and goals to meet the interests of potential donors. The EU and other foreign donor's strict funding requirements has made the NGO sector fiercely competitive. In many policy sectors, NGOs shy away from developing partnerships or

networks out of fear that doing so could threaten their financial livelihood. Even where partnerships are required by the funding scheme, interviewees suggested that relationships were superficial and unlikely to generate real cooperation (Interviewee 24, 2014; Interviewee 27, 2014). There is also a significant amount of apprehension from both the state and NGOs towards deepening cooperation. On the one hand, NGOs fear that by cooperating with government they may lose their independence and be coopted into the system. On the other hand, including NGOs may prolong policy-making processes at a time when Serbian politicians are hoping for a speedy EU accession. Due to years of government smear campaigns Serbian NGO also continue to face low public approval ratings.

Regardless of the internal and external factors complicating the development of NGOs and their relationship with government, this dissertation argued that we must still consider their 'Europeanization potential'. In both Croatia and Serbia, NGOs provide key social services, especially in policy areas and communities where the government is less attentive. Perhaps NGOs most important contribution is knowledge. Not only do NGOs possess issue-specific knowledge and experience missing in state ministries, their access to local communities and focus on grassroots issues has made NGOs a valuable provider of alternative policy solutions and monitoring reports. As a result of their focus and expertise NGOs have been able to contribute to policy-making processes. Moreover, the state and EU have grown to depend on NGOs to implement and maintain policy programs, as in many policy areas they are the best suited.

What are the implications of these findings? Chapter 6 engaged with the conceptual and methodological debates about Europeanization. It argued that in light of the findings a more sophisticated rendering of Europeanization was needed. Additionally, it advocated a more sophisticated methodological approach, using process-tracing to understand the difference

between motivation and action. By distinguishing between these two concepts horizontal Europeanization compliments current understandings of conditionality and top-down Europeanization. Whereas the EU's use of conditionality and its ability to reward and sanction explains the candidates' motivations, the mechanisms of horizontal Europeanization investigated by this dissertation explain how those motivations get translated into action, and produce outcomes compliant with the *acquis*.

Chapter 6 also debated what the Europeanization effect of NGOs and civil servants meant for understandings of European governance and the state of EU-candidate relations. This dissertation argued that while authority is still possessed by the EU, the methods of guidance and steering, as well as the actors involved in the governance of candidacy have changed. These changes reflect a more progressive understanding of 'good governance', one that understands the value, and indeed, necessity of involving a wider array of actors and tools. To further the argument, the role of civil servants and NGOs in policy- and decision-making processes was addressed.

To conclude, Chapter 6 claimed that the candidacy process represented a unique 'window of opportunity', through which an array of actors, at the EU, state, transgovernmental, and sub-state levels can influence reform processes. However, candidacy has a definitive end date and thus the chapter also discussed the implications of the window 'closing'. Instances of backsliding and partial compliance have plagued many of the NMS. The EU has thus far relied on mechanisms of conditionality to prevent such instances, with limited success. As a result, this dissertation argued that extending the window of opportunity and allowing the twinning mechanism and NGO capacity building projects to continue after accession could be a solution. Many instances of backsliding are caused by the willingness of political decision-makers to

backtrack on their previous commitments. Backsliding may or may not be purposeful, however it is clear that further socialization of decision-makers and practitioners is needed. This dissertation suggested that twinning and NGO cooperation are two possible alternatives worth exploring.

The remainder of this chapter considers a few additional implications. Specifically, the limits of horizontal Europeanization are discussed. While the concept provides considerable theoretical and analytical value, its limits must also be acknowledged. The chapter will also present specific recommendations on how to improve the twinning mechanism and deepen NGO-state relations.

### **7.3: Limits to the Concept – Horizontal Europeanization in Review**

There are of course limits to the concept of horizontal Europeanization. While the concept offers a valuable theoretical contribution, as chapters 4 and 5 showed, internal and external factors impact the level of influence twinning projects and NGO cooperation exert on decision- and policy-making processes. The impact of these factors varies from project to project, and from NGO to NGO, thus the concept of horizontal Europeanization is still of great theoretical and analytical value. However, its scope conditions must be acknowledged.

Horizontal Europeanization is not meant to replace the traditional concepts of ‘top-down’ and ‘bottom-up’ Europeanization, but rather to compliment them by focusing on the other actors and tools used by the EU to influence and assist its candidates’ reform process. The concept does not explain why candidate states choose to reform but rather how they respond to the EU’s reform pressures. They explain how once motivated by membership, financial assistance, market access, visa liberalization, and etc. candidates are able to design and implement the reforms necessary to attain these rewards.

Distinct from ‘conditionality’ and ‘policy uploading’, the actors, goals, and activities involved in the mechanisms of horizontal Europeanization can be easily identified. Horizontal Europeanization does not however presuppose a particular outcome of these mechanisms or make claims about their influence *a priori*. Similar to the claims of Radaelli (2003), horizontal Europeanization leaves issue resolution open; it can result in the diversification, harmonization, or convergence of policy, legislation, procedure, and norms. For instance, twinning provides an environment for deep and meaningful collaboration between member and candidate state civil servants. Based on their combined technical, experiential, and contextual knowledge these partners aim to design systems that help the candidate address their unique technical and systemic needs. However, twinning does not necessarily result in the harmonization or convergence of systems, in fact the twinning manual states explicitly that projects are not meant to replicate member state systems but create a diverse market place of options (European Commission, 2012c: 14). Similarly, depending on the NGO, government ministry, and policy sector the results of NGO-state cooperation can lead to numerous potential outcomes.

#### **7.4: Twinning to Win**

The prevalence of twinning in Croatia and Serbia confirms that twinning is indeed an important and expanding part of the development of EU candidates. Twinning relies on a more voluntary and cooperative process of adjustment than traditional notions of ‘top-down’ Europeanization and conditionality suggest. Twinning encourages member state organizations to share their knowledge and ‘best practices’ with candidate state organizations, making it easier for them to adjust to the *acquis*. However, mechanisms of horizontal Europeanization are not without fault. Due to differential learning capacities and institutional arrangements the effectiveness of twinning projects vary. As the twinning projects discussed in this study have

shown funding, human resources, levels of cooperation, training, and experience have an impact on how prepared an organization is to participate in twinning projects. When organizations are unprepared the efficiency of a twinning project can be compromised. Therefore, adjustments are needed to ensure that twinning projects, as the clearest manifestations of horizontal Europeanization, are implemented in a way that acknowledges and attempts to remedy the unique and challenging political and administrative systems of Southeastern Europe.

#### *7.4.1: Recommendation 1: Be Prepared*

Efforts to ensure that candidate and potential candidate states are prepared for the rigors of twinning need to be improved. For twinning projects to have the greatest impact, beneficiary organizations must have the capacities to implement the project's recommendations. In other words, the relevant stakeholders must be able to absorb the recommendations and changes made by the partner organization. In Croatia, the CFCA and a number of ministries were cited several times for their inability to handle their administrative responsibilities (European Commission, 2005a; European Commission, 2008b: 36). Some blame must ultimately fall on the EU. It has invested over €100 million in Croatian twinning projects, and over €70 million in Serbia to date. Yet, it has spent comparatively little time ensuring that the main beneficiary agencies possess the knowledge and resources to fulfill their twinning obligations. Although the EU acknowledges the shortcomings of the beneficiaries, its efforts to address them have been inconsistent.

The training of RTAs must also be improved. The twinning manual admits that 'RTAs, although experienced in their particular field, cannot always be prepared for the significant demands imposed upon them' (European Commission, 2012c: 17). As a result RTAs must attend compulsory training 'prior to, or shortly after, taking up post in the BC (ibid). However, questions remain about the depth and quality of this initial training. For one interviewee, their

training in Brussels amounted to two days, where they reviewed the twinning manual and other basic guidelines (Interviewee 7, 2014). And yet, as numerous interviewees commented, it is crucial that the RTA be knowledgeable, have sound management skills, and have the ability to relate and communicate effectively with a number of stakeholders, including other project members (Interviewee 11, 2014; Interviewee 12, 2014). It is unclear whether the rather abbreviated training provided to RTAs, which in one case had yet to be completed 6 months into a project (Interviewee 2, 2014), is enough to ensure the competence of a prospective RTA.

Although twinning projects are administered by representatives from candidate and member states, the candidate ultimately retains ownership of the process and outcomes (European Commission, 2012c: 11). In this respect much is left to the beneficiary countries discretion. It is assumed that the twinning manual provides the states with the guidance to handle large and complex projects. Yet, the variable success of twinning in Croatia and Serbia suggests that the EU has misjudged the capacities of the beneficiary countries to the detriment of several twinning projects. The efficiency and effectiveness of twinning projects are often compromised because they must rely on already deficient implementing and managing agencies. While the value of twinning cannot be understated, more must be done to ensure that beneficiary organizations and RTAs are prepared to handle the tasks required of them. If steps are not taken to offer a comprehensive training program to relevant implementing and managing institutions similar issues will undoubtedly appear in Croatia and Serbia's similarly-prepared neighbors.

#### *7.4.2: Recommendation 2: Improve Domestic and International Oversight*

Monitoring is necessary to ensure that twinning projects meet their objectives in the most efficient manner. The twinning manual requires project status updates be filed on a quarterly basis (ibid: 90). However, burdensome reporting requirements and the twinning workload

contribute to considerable frustration around filing these updates. Twinning projects are also subject to impromptu audits from domestic and EU representatives, yet these are not regular or systematic enough to be impactful. Twinning projects are guided by steering committees and work plans that offer a framework for action. However, as was the case with the CARDS 2004 (Croatia) and IPA 2012 (Serbia) projects situations occur that render initial plans obsolete or delay the achievement of results. With so much time and money invested in these projects it would be wise for both domestic and EU representatives to invest more time developing a systematic performance review process to provide consistent and valuable feedback to the project teams. By improving the monitoring and feedback systems team members would be better able to prevent delays and frustrations caused by mismanagement or deficient implementation procedures.

It is also important that performance reviews be conducted after the project is complete. This is important for the sustainability of the projects outputs and for the evolution of the twinning initiative. Ultimately, the sustainability of a project's outcome is left up to the beneficiary organization. However, further institutional support may be necessary. The twinning initiative is meant to establish long lasting relationships between member and beneficiary state institutions. As such, cooperation should be maintained, and when needed additional support should be extended. There are indications that former MS agencies would be open to further support (Interviewee 3, 2014). However, at this time no such process of continual support exists, other than ad hoc communications between team members. For the full value of the twinning initiative to be realized a system of follow-up consultations should be implemented.

#### 7.4.3: Recommendation 3: Domestic Buy-In Still Needs Improvement

Although the twinning mechanism is designed to offer EU funding and support to candidate and potential candidate states, the 2012 Twinning manual explicitly states that by agreeing to twin the ‘beneficiary country commits itself to undertaking and funding reforms’ (European Commission, 2012c: 11). In reality the EU provides most of the financial support, with domestic contributions typically reserved for basic material and human resource support. The twinning manual details the various things that EU funds can be allocated towards (ibid: 68-86). However, the beneficiary country must take ownership of the project’s implementation and management, including providing the staff and supplies necessary to ensure a successful project (ibid: 19). Moreover, the beneficiary country remains responsible for the salaries of the civil servants it offers as a part of the twinning project (ibid: 86). Due to the financial and human resource commitments required for twinning projects some beneficiary organizations hesitate to participate. In one Croatian twinning project the RTA noted that some BC organizations were reluctant to be named as beneficiaries in the twinning contract because doing so would contractually bind them to provide resources and adopt the project’s outcomes (Interviewee 7, 2014). Such instances would suggest that beneficiaries frequently misjudge the financial and human resource requirements to implement projects.

Domestic institutions must also improve the climate of inter-agency cooperation and develop a mechanism to improve coordination across the ministries and agencies responsible for implementing and enforcing the *acquis*. Fostering institutional cooperation in SEE can be difficult because of the sheer number of stakeholders with competences in particular policy areas. However, coordination issues are not unique to twinning projects in the candidates. There is evidence twinning projects conducted in the NMS also experienced difficulties coalescing stakeholders around a coherent solution (Tulmets, 2005: 72). If stakeholders misunderstand their

responsibilities or perceive cooperation as an encroachment on their authority, cooperation can be even more difficult. In Serbia and Croatia, complex institutional arrangements are reminders of the regions' authoritarian past, and the absence of working inter-institutional relations are common. Although, institutions share competences, some fail to understand how their responsibilities fit into a larger framework of cooperation. For instance, one of the biggest challenges faced by the IPA 2009 project (Croatia) on the transboundary movement of waste was engaging all of the relevant stakeholders (Interviewee 11, 2014; Interviewee 12, 2014). To address the transboundary movement of waste it was necessary to include not only the ministries involved directly in designing and enforcing the new regulations, but also the industry representatives impacted by the changes. With so many stakeholders involved it is worth noting the significant work necessary to coalesce everyone around a singular goal. Concerns about inter-agency cooperation are not unique to this one project and it is not clear that the level of institutional buy-in in the SEECs is sufficient to overcome the protectionist posturing of some stakeholders. Institutions tend to be protective of their competences and in some instances will subvert efforts to develop responsibility-sharing arrangements.

Buy-in must also be improved at the upper layers of government and public administration. A number of interviewees claimed that while established, the value of twinning is still underappreciated by many decision-makers (Interviewee 2, 2014; Interviewee 4, 2014; Interviewee 11, 2014; Interviewee 12, 2014; Interviewee 13, 2014). This can have dire consequences for twinning projects themselves, and indeed the sustainability of outcomes post-accession. Backsliding is partially to blame on 'un-socialized' decision-makers and their willingness to make decisions contra-EU norms, values, and rules. By concentrating on key

decision-makers, and including them more thoroughly in the twinning process, the EU may be able to prevent compliance problems during and after accession.

Several projects involved a number of state and non-state stakeholders and it is clear that the reform of several policy areas will necessitate the cooperation of the state, NGOs, industry, and the public-at-large. In this sense the participation of the public and non-state actors is pivotal. Where government agencies lack the relevant knowledge and experience, non-state actors can assist in the development of appropriate reforms. These individuals often have the motivation to ensure the sustainability of twinning outcomes. Yet, they are too infrequently consulted in the development and implementation process. Even in 2011 the EU determined that ‘insufficient consideration was given [in Croatia] to input from the public’ (European Commission, 2011: 58). Some RTAs expressed a similar concern and endeavored to improve the external visibility of their twinning project and integrate NGOs and other relevant stakeholders into the twinning process (Interviewee 1, 2014).

The sustainability of outputs generated by twinning varies from project to project, and is very much determined by the commitment of the beneficiary organizations. In order for the positive impacts of twinning to endure, more attention needs to be paid to ensuring that changes resonate with both state and non-state actors. Moreover, it is critical that domestic institutions shed their insular, protectionist stances and understand the value, and indeed necessity of inter-agency cooperation.

#### *7.4.4: Recommendation 4: Address the Individual Needs of the Beneficiaries*

In countries where practical experience with EU legislation and requirements is absent training programs are helpful ways of preparing organizations to transpose the *acquis*. In this regard educational components have been an integral part of the procedural logic of twinning. In

many instances twinning projects have changed operating procedures or purchased new equipment. In others, new organizations have been established or undergone significant operational redesigns. As a result, training components have been necessary to ensure that staff are able to benefit from the changes. However, training does not always lead to verifiable improvements. In order for training to work there has to be a willingness or ability for participants to change. Most training sessions provided participants with a wealth of new knowledge about EU requirements and ways to design and enforce policies and procedures in-line with those requirements. Yet, if participants do not buy-in to the new procedures and systems initiated by the project then training will not have its desired impact. It is not hard to imagine participants in these training workshops simply disregarding the trainings and reverting to their accustomed practices. Indeed in one Serbian case, administrative confusion and political turnover contributed to only 1 of 3 study tours being completed (Section 4.3.2). Meanwhile in Croatia, the workshops and seminars offered by one project were plagued with low stakeholder turnout (Section 4.3.1). While this is surely not the norm, it must be considered when defending the use of education as a way of overcoming administrative deficiencies.

Evaluating the effectiveness of these training programs needs further analysis. However, more can be said about training as an output of twinning. Training stakeholders on changes to their occupational requirements can have a tremendous effect on the administrative efficiency of an organization. However, the predominance of training as an output of twinning assumes that knowledge is the primary component lacking in the beneficiaries. And yet, if organizations lack not knowledge but human resources then administrative issues will persist. For instance, the CARDS 2004 project on the Water Framework Directive (Croatia), acknowledged in its final report that understaffing was one of the main issues identified in preliminary assessments, and

unsurprisingly, made it difficult to enforce domestic policies properly or adopt EU regulations (European Commission, 2009b: 18, 23). Yet, the project did not include provisions to assist the beneficiary institutions establish employment criteria, hire new staff, or otherwise address their staffing deficiency. In other words, the project ignored one of the primary causes of Croatia's non-compliance in this area. The training provided by this project was necessary but was not sufficient to change the administrative preparedness of its beneficiaries. More attention must be paid to the strategic rationale of twinning projects. Steering committees and project members must do a better job aligning the project's goals to the beneficiaries' needs.

#### *7.4.5: Twinning Conclusions*

These observations have tremendous implications for the future of twinning in SEE. Other candidates such as Montenegro and Macedonia, and potential candidates Bosnia and Herzegovina and Kosovo are not all that dissimilar from Croatia and Serbia. All have recent histories of war and internal discord, and all were left politically and socially fragile as a result. Yet, they also have EU ambitions. Twinning has emerged as an important addition to the EU's toolkit of influence. Countries such as these desperately need the financial and technical resources provided by twinning and they will no doubt lean on them heavily during their roads to EU membership. The effectiveness of twinning will ultimately be determined by its ability to adapt to the unique political and social situations of the region.

#### **7.5: Realizing the 'Potential': Paths Forward for Serbian NGOs**

In order to develop a system of 'good governance' in Serbia, the EU must provide more than just rhetorical support. More concrete efforts to foster trust between government and NGOs is needed. Too often NGO consultations occur in the final stages of decision-making and NGO participation continues to be perceived as a hindrance. More also needs to be done by donors to

ensure a wider array of NGOs have access to funding. They must work harder to include both rural and urban, small and large groups. The EU has become the largest international supporter of Serbian NGOs.<sup>6</sup> Yet its cost share requirement has effectively created an elite class of Belgrade-based NGOs that monopolize financial resources. Efforts by the government and the SOCCS in recent years have helped to alleviate this financial strain, but by its own admission the SOCCS' €300,000 annual budget is simply too small for such a large task (OSCE, 2013: 6; Interviewee 25, 2014). International donors must also work to establish uniform grant requirements and standards from which NGOs can be evaluated. They must also continue to stress the importance of sustainable practices and strategic planning. The following sub-sections will outline specific things that the EU, the Serbian government, and Serbian NGOs can do to improve the climate of NGO-state relations.

#### *7.5.1: EU Paths*

Capacity-building efforts must continue to take precedence. Training seminars on organizational management, membership building and networking, fundraising, proposal writing, and lobbying skills have proven beneficial. However, the focus of EU training efforts could improve. One DG Enlargement representative expressed concern that the EU's training programs were disconnected from the actual needs of NGOs (Interviewee 27, 2014). While the programs provide NGOs with valuable information, they do less to address the more specific needs of each NGO. One way to address this issue would be to compliment the training seminars and capacity-building programs offered by TACSO and other EU supported agencies with micro-grants or one-on-one consultations with individual NGOs. Doing so would allow the EU to understand more specifically the issues facing Serbian NGOs, and allow it to hone its capacity-building

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<sup>6</sup> From 2010-2013 the EU funded 91 civil society projects within the IPA Framework for a total of €10,388,814 (Crnjanski and Hafner-Ademi, 2013: 93, 111).

efforts. NGOs would gain the unique opportunity to meet one-on-one with EU specialists and raise their organization-specific issues. Moreover, the introduction of micro-grants would add diversity to the funding pool and allow smaller organizations the opportunity to be more competitive in funding applications.

A combination of a competitive funding environment and weak networking has led to the uneven development of Serbian NGOs. While networking is now a prerequisite for most funding schemes, it has done little to develop deep and lasting relationships between partners.

International donors must do more to promote concrete and sustainable inter-and cross-sectoral networking. Donors must also do more to harmonize their aims. NGOs are constantly changing their focus and agenda to meet the needs of various donors. Such action prevents them from developing a consistent focus, and surely dilutes their potential influence. One way of addressing these concerns is for donors to be more targeted with their agendas. Donors should develop programs and funding schemes that take into respect the specific needs and interests of Serbian NGOs, rather than a vague, normative agenda.

One DG Enlargement representative also recommended that donors investigate the reasons why some NGO-led projects fail (ibid). Donors should then help groups make the necessary adjustment instead of simply punishing them or blacklisting them from any future funding (ibid). By doing so donors would demonstrate a true commitment to capacity building.

#### *7.5.2: NGO Paths*

NGOs themselves must also work to improve their fundraising skills, encourage public buy-in, and foster friendlier relations with government. Groups must become more financially independent, developing new, creative ways to gather support. It is important that they capitalize on the prevalence of social media and mobile platforms to build constituent bases and access

new funding sources. USAID and others have already provided training and financial support towards this goal (USAID, 2013: 3). NGOs must also commit more time to developing their lobbying skills and organizing public consultations. NGOs are particularly valued by the EU for their reports on the local impact of state and EU policies. By improving their lobbying and information gathering capacities NGOs could communicate their beliefs and advocate their cause more succinctly.

The lack of functional NGO networks in Serbia is troubling and unfortunate. As the project coordinator from EOS commented, contacts are out there, groups just need to establish them (Interviewee 26, 2014). The benefits of strong inter-group collaboration are many. The majority of Serbian NGOs are small and operate on very limited budgets. They often lack the capacity and experience necessary to have a significant impact on policy-making and implementation processes. Partnerships between these groups would allow them to pool their resources, exchange ‘best practices’, establish common goals, and improve relationships with local and state authorities. Participating with larger, more established NGOs can also be valuable for junior project partners. Even if these partnerships are strategic, smaller NGOs gain insights into project management, financial planning, and administrative best practices from their larger partners (Interviewee 28, 2014). To improve their legitimacy domestically and internationally, as well as address sustainability concerns, Serbian NGOs will need to develop stronger sectoral linkages, regionally and internationally.

### *7.5.3: State Paths*

Significant changes at the state-level could also improve the climate of NGO-state relations. The Serbian government continues to apply an unfavorable tax regime on NGOs (Negovanović, 2013). Although many of the activities carried out by NGOs are in the public

interest, they must still pay property taxes on any occupied premises (ibid: 28-32). Moreover, efforts to subsidize grants and endowments with services and products offered in the 'market place' are subject to income tax based on size and profit distribution (ibid: 15). One key government agency working to address this issue and improve the development of NGOs has been the SOCCS. The SOCCS has demonstrated a commitment to finding where and how NGOs can be further integrated. The mere development of the SOCCS in 2011 was a step forward for state-NGO relations. The office offers training seminars, workshops, and symposiums to educate NGOs on ways they can improve themselves. It also offers grants to help NGOs alleviate some of their financial burden. Most importantly, it speaks on behalf of NGOs and works to align NGO and state interests. Further commitment to the SOCCS from the state is needed. Its operational budget is largely funded by the EU and USAID, making its future work contingent on more government support (OSCE, 2013: 6).

One member of the SOCCS argued that the first step in improving NGO-state relations was for the government to recognize its own deficiencies and delegate more duties to NGOs (Interviewee 25, 2014). The government must be willing to open up lines of communication with NGOs and see them as partners rather than hindrances. NGOs often possess experience and knowledge not found in government, and thus their inclusion in more decision-making and implementation processes would be valuable.

#### *7.5.4: Section Conclusion*

Serbia is due to open its first *acquis* chapter in 2016 with the domestic expectation of membership within five years. However, there are significant questions about how the reform process will take place. Is there sufficient political and public will to enact the difficult policy reforms necessary for EU membership? Does the government have the capacity to implement all

of these reforms? A more comprehensive inclusion of NGOs throughout the process of adaptation will be key. Not only do they represent a notable body of knowledge and human capital, but in many cases NGOs know the needs of the country better than government. While more complex and potentially more contentious, a deeper involvement of NGOs can help the government transpose the EU requirements more efficiently, in a more legitimate manner, and in compliance with contemporary norms of governance. NGOs can help Serbia bridge the gap between its current socio-political situation and the one it needs to become an EU member.

### **7.6: Concluding Remarks**

In conclusion, this project sought to assess the validity of the traditional notions of top-down and bottom-up Europeanization when applied to the EU's current group of candidates in SEE. It sought to understand the mechanisms that allow EU candidates to develop and implement policy, legislative, and procedural reforms that meet the requirements set out in the *acquis communautaire*. In this regard, it selected two cases that shared similar histories, administrative shortcomings, and political uncertainties, but that differed in the timing and depth of EU engagement. It surveyed the literature on Europeanization, conditionality, and European integration, while also advancing them by discussing 'horizontal Europeanization' and the mechanisms that embody its principles.

The dissertation found, contrary to the work on top-down and bottom-up Europeanization, that the SEECs and EU rely on a new, innovative set of tools to help address the candidates' administrative, legislative, and procedural shortcomings, as well as advance new norms and values. It argued that such a pivot warranted a reconceptualization of the Europeanization process that acknowledged the actions of individuals and organizations horizontal to the hierarchical process traditionally advanced. It went on to explain that this shift

was necessary due to the unique political, social, and economic situations of these candidates. Indeed, Croatia and Serbia possessed legacies of ethno-nationalist conflict, deficient institutional arrangements, and levels of administrative weakness unprecedented in the EU or its enlargement history. As a result the introduction of the twinning initiative and the thawing of NGO-state relations has been pivotal to the candidacies of both cases.

On the one hand, twinning offered Croatia and Serbia chances to learn about the design, implementation, and enforcement of EU policy and legislation from experienced member state representatives. Twinning projects introduced valuable new systems, legislation, procedures, and norms, and educated stakeholders at all levels about the value and benefits of such reforms. Twinning projects offset some of the financial burden of candidacy and filled the knowledge gap that existed throughout the various layers of public administration. Most importantly, it fostered partnerships and networks of likeminded professionals who looked to each other for support and guidance long after the project, and in the case of Croatia, candidacy lifecycle. Interviewees from both cases were unanimous in their support of twinning in this regard.

On the other hand, NGOs also served a number of important functions during the candidacies of Croatia and Serbia. NGOs remain a significant source of knowledge and expertise for the EU and various state ministries. NGOs often have the policy-specific knowledge and grassroots focus to provide EU and state actors with a more informed appraisal of policy needs and outcomes. NGOs also provide vital social services to populations forgotten by or simply inaccessible to state agencies. In this sense NGOs will remain a valuable asset to the state, one that the state and EU must continue to engage to ensure *acquis*-compliance. NGOs also continue to improve their efforts to influence public opinion and advocate for public needs. In this regard it is important that EU and state actors incentivize and motivate NGOs to ‘promote Europe’,

supporting the often tough policy reforms necessary for membership, and advancing the types of norms and ideals that candidates are expected to hold upon membership.

This project also exposed the limits of horizontal Europeanization. While the findings of this research demonstrate that acknowledging the influence of NGOs and civil servants is a necessary and valuable addition to the Europeanization research, the intervening variables make additional research into the improvements of the twinning initiative and the deepening of NGO-state relations necessary. Indeed, such research must become an integral part of the Europeanization discipline if we are to truly understand how EU membership requirements are internalized and how motivations are translated into policy, legislative, procedural, and normative changes.

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### Appendix 1: List of Interviewees

Interviewee #	Position	Organization	Time
1	Program and Coordination Manager	Delegation of the EU to the Republic of Serbia	January 21, 2014
2	RTA	Twinning Project "EU Emission Trading Scheme"	February 25, 2014
3	RTA	Twinning Project "Water Framework Directive"	February 5, 2014
4	Project Member	Twinning Project "Water Framework Directive"	February 13, 2014
5	Communication Liaison	European Commission Representation in Croatia	February 11, 2014
6	Director of the Directorate for Water Policy and International Projects	At Ministry of Regional Development, Forestry and Water Management (during project, now at Croatian Waters) Twinning Project "Water Framework Directive"	February 14, 2014
7	RTA	Twinning Project, "Development of Flood Hazard Maps and Flood Risk Maps"	February 14, 2014
8	Deputy Director	CFCA	February 17, 2014
9	former Head of Operations Teams	Formerly at EU Delegation to Croatia, now at the DG Enlargement's Croatia Transition Team	February 13, 2014
10	Head of Division for Climate Change	MEDEP	January 23 2014

11	Head of Service for International Cooperation/ Project Leader for Croatia	Directorate for Inspection, ministry of Environmental and Nature Protection/ for Twinning Project "Strengthening the Capacities for Control of Transboundary Movement of Waste	February 17, 2014
12	Project Member	Twining Project "Strengthening the Capacities for Control of Transboundary Movement of Waste	February 17, 2014
13	Assistant to RTA	Twining Project "Strengthening the Capacities for Control of Transboundary Movement of Waste	February 17, 2014
14	Project Leader	Twining Project 'Implementing the Water Framework Directive'	March 25, 2014
15	Head of Group for EU Integration	MEDEP	January 23, 2014
16	Senior Advisor	Ministry of Transport, Head of IPA Implementation Unit	January 23, 2014
17	RTA	Twining project "Capacity Building for the Energy Agency"	January 24, 2014
18	National Twinning Coordinator	Serbian European Integration Office	January 23, 2014
19	Secretary General and BC Contact	Energy Agency of Serbia/ Twinning Project "Capacity Building for the Energy Agency"	February 19, 2014
20	Official	European Commission - DG Enlargement	March 21, 2014

21	Division Head	Tender Preparation and Contract Management Division at the Ministry of Finance	January 23, 2014
22	Country Office Director	The Regional Environmental Center	January 22, 2014
23	Project Manager	Delegation of the EU to the Republic of Serbia	January 24, 2014
24	Advisor for Project Preparation and International Cooperation	Office for Cooperation with Civil Society	February 19, 2014
25	Head of Group for International Cooperation and European Integration	Office for Cooperation with Civil Society	February 19, 2014
26	Program Coordinator	Evropski Omladinski Centar Srbija	February 24, 2014
27	Program Manager for Civil Society Support	European Commission - DG Enlargement, Div 3 Regional Cooperation and Programs	March 20, 2014
28	Head of Department for Implementation of EU Programs and International Cooperation	Office for Cooperation with NGOs	February 17, 2014
29	Head of Department for Department for Strategic Planning, Programming and Informing	Office for Cooperation with NGOs	February 17, 2014
30	Program Manager	Centre for Peace Studies (CMS)	July 16, 2015
31	Advisor in Department for Project Management	MEDEP	January 23, 2014
32	Executive Director	Civic Initiative	July 1, 2015
33	Senior Program Manager	European Policy Centre	July 1, 2015
34	Outreach Manager	Humanitarian Law Center	July 2, 2015

35	Senior Program Manager	European Balkan Fund	July 3, 2015
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## Appendix 2: Sample Interview Questions

**Research Project:** Rethinking Europeanization: Twinning and NGO Cooperation in Southeast Europe

**Researcher:** Mr. Graeme Crouch

### General Information on the Interview:

This project investigates the role of inter-agency cooperation (twinning) and Non-governmental organizations (NGO) during the European Union (EU) candidacy of Croatia and Serbia. Specifically, it looks at how influential twinning and NGOs were/are to the development and implementation of policies and legislation in Croatia and Serbia compliant with the EU's *acquis communautaire*. It suggests that these new methods of influence that stress voluntary cooperation and the co-production of reforms challenge contemporary beliefs about the nature of EU-candidate state relations and the so-called 'Europeanization Process'.

Before we begin the interview, I would like to take some time to address any questions or concerns that you may have about the interview procedures, or with the Participant Consent form. Unless you tell me otherwise I will take anything that you tell me as representative of your personal opinion based on your position in **[Project name]**. If for any reasons what you tell me is representative of an official position, policy, or strategy of another organization please do inform me. After briefly discussing your academic background, previous work experience and position with **[Project name]**, I would like to raise the following questions:

*Below are a list of questions designed specifically for each of the four clusters of interviewees*  
**Questions for: Resident Twinning Advisors and Project leaders**

#### *Question Cluster 1: Twinning as an EU Tool*

- 1a. How can member state agencies and organizations help EU candidates with the difficult task of reforming their policies, legislation, and procedures in compliance with the *acquis communautaire*?
- 1b. How does twinning aid a candidate state (such as Croatia/Serbia) in developing and implementing policy and legislation compliant with the EU's *acquis communautaire*?
- 1c. Discuss the roles played by the member state agency, the beneficiary/implementing organization, and the EU during twinning projects?
- 1d. How important do you feel twinning is for a candidate state's membership ambitions?

#### *Question Cluster 2: Twinning in Southeast Europe*

- 2a. Why do you think that the use of twinning has been expanded in Southeast Europe? In other words, why is it needed in the region?
- 2b. To what extent does twinning stress cooperation and the co-production of outcomes between member and candidate state organizations?

- 2c. How do you feel twinning fits into the EU's broader reform agenda in Southeast Europe?
- 2d. Do you sense that twinning represents a shift in how policy and legislation is being developed and implemented in Southeast Europe and beyond?

*Question Cluster 3: Experience with [Project]*

- 3a. Why did your organization submit a response to this project? How did it think it could help?
- 3b. What were the project's goals and how were they decided upon?
- 3c. Please describe the relationship between the member state representatives and the beneficiary and implementing agencies?
- 3d. Please elaborate on the project's work plan, specifically what were the segregation of duties and how were they allocated?
- 3e. What, if any, obstacles did the project face in meeting its goals and completing its work plan?
- 3f. To what extent was your project monitored by the EU or some higher body?
- 3g. In retrospect how effective do you feel that your project was at meeting the stated needs of its beneficiary organization, and moreover, at preparing Croatia for membership?
- 3h. To what extent has the contact between the member state organizations and the beneficiary organizations lasted beyond the project's completion?

*Question Cluster 4: Concluding Thoughts*

- 4a. Based on your experiences, do you have any concerns about the utility of the twinning mechanism during a candidate's accession, specifically candidates from Southeast Europe?
- 4b. Do you feel like twinning is supported by the candidate state governments?
- 4c. Compared to other mechanisms of influence, how influential do you think twinning projects are in the context of EU accession?
- 4d. How do you feel twinning could be improved?

**Questions for: Representatives from Croatia's and Serbia's implementing and beneficiary institutions/agencies**

*Question Cluster 1: The Effects of Croatian/Serbian Candidacy*

- 1a. What type of pressures did Croatia's EU candidacy place upon your organization?
- 1b. How has your organization prepared for the rigors of EU membership?
- 1bi. What, if any, changes were necessary?

*Question Cluster 2: Twinning as Aid*

- 2a. How did twinning aid Croatia/Serbia in developing and implementing policy and legislation compliant with the EU's *acquis communautaire*?
- 2b. How important do you feel twinning was to Croatia's membership ambitions?
- 2c. Discuss your understanding of the roles played by the member state agency, the beneficiary/implementing organization (your organization), and the EU during twinning projects?

2d. Do you feel like twinning is conducted in a way where all actors are equally respected and treated as ‘partners’?

*Question Cluster 3: Experience with [Project]*

3a. Why was this project commissioned?

3b. Please explain your organization’s role in the development and implementation of this project.

3c. Describe the working relationship between your organization and the member state representatives.

3d. What, if any, obstacles did the project face in meeting its goals and completing its work plan?

3e. To what extent was your project monitored by the EU or some higher body?

3f. In retrospect, how effective do you feel that your project was at meeting its goals and preparing your organization for the demands of EU membership?

3g. To what extent has your organization maintained contact with the member state organizations?

3h. Describe how the outcomes of your project are still impactful today?

*Question Cluster 4: Concluding Thoughts*

4a. Based on your experiences, do you have any concerns about the utility of the twinning mechanism during a candidate’s accession, specifically candidates from Southeast Europe?

4b. Do you think twinning is a mechanism that ought be used more frequently in Southeast Europe? If so, why?

**Questions for: Representatives from non-government environmental groups and networks**

*Question Cluster 1: Government-non-government relations*

1a. Please explain the ways in which your organization, and organizations like yours can contribute to Croatia’s/Serbia’s accession efforts.

1b. What is the most productive relationship between government and non-government actors when it comes to policy-making?

1c. Do you feel like the knowledge and capacities of your group are respected domestically? Internationally?

1ci. Has this changed during Croatia’s/Serbia’s candidacy?

1d. How important do you feel the intervention of non-governmental organizations in the policy-making and legislative process was for Croatia’s/Serbia’s accession?

1e. Describe the climate of cooperation between non-governmental organizations regionally? To what extent does your organization cooperate with others outside Croatia/Serbia?

1ei. How are these relationships important for your efforts domestically?

*Question Cluster 2: Experience with [Project]*

2a. What was the impetus behind your project?

2b. What were its goals and proposed outcomes?

- 2c. Describe the relationships that you had with other environmental organizations during this project? What role did they play?
- 2d. Explain how you feel your project was perceived by governmental bodies, both domestically and internationally. Do you feel like projects like yours are respected as viable mechanisms of reform and compliance?
- 2e. What, if any, obstacles did the project face in meeting its goals and completing its work plan?
- 2f. To what extent did the EU play a role in your project?
- 2g. How do you feel that this project impacted Croatia's compliance with the environmental *acquis*?

*Question Cluster 3: Concluding Thoughts*

- 3a. To what extent do you feel that projects like yours represent a shift in the way government and non-governmental actors work together towards policy, legislative, and procedural goals?
- 3b. Do you feel like the climate of governmental-non-governmental relations is changing in Southeast Europe?
- 3c. What advice would you give to other groups in the region that wish to play a role in the accession of their country?

**Questions for: Representative from the EU Directorate-General for the Environment**

*Question Cluster 1: 'Horizontal Europeanization'*

- 1a. Compliance with the *acquis communautaire* comes about in very complex ways. In your opinion, to what extent do non-governmental actors have a role to play in this process?
- 1ai. How can non-governmental organizations augment the skills and knowledge of governmental actors involved in more formal negotiations?
- 1b. How important is the exchange of 'best practices' and cooperation between member and candidate state agencies to the development and implementation of the environmental *acquis*?

*Question Cluster 2: Twinning and NGO Projects as an EU tool*

- 2a. What are the EU's goals in terms of environmental reform in the candidate states?
- 2b. How do twinning and NGO projects fit into the EU's broader environmental reform efforts in the candidate states?
- 2c. Why are twinning and NGO projects important for the candidate states in terms of their compliance with the environmental *acquis*?
- 2d. Do you feel like twinning and NGO projects adequately address the needs of both the EU and the candidates? I ask you to consider whether compliance is often achieved and whether the underlying administrative and institutional deficiencies are addressed by these mechanisms.
- 2e. What challenges, if any, do these projects face in terms of their chances to be successful?

1. During negotiations were twinning projects and NGOs discussed as legitimate policy, legislation, and procedural reforms?
2. How did these alternative forms of reform fit into Croatia and the EU broader reform agenda?