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Coming full circle? Differential empowerment in Croatia's EU accession process

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ABSTRACT The EU accession process brings a profound transformation the political opportunity structure in candidate countries, creating new possibilities for previously marginalised actors. Studying the differential empowerment of NGOs during and after Croatian membership negotiations, this paper makes two related claims: first, differential empowerment depends crucially on domestic actors' awareness for and ability to use new opportunities to their advantage. Second, an overreliance on EU leverage poses important temporal and substantive limits on NGO empowerment and leads to a rapid decline of their relevance in the post-accession phase. The findings suggest that a more sustainable shift in the domestic power balance would require both the EU and domestic civil society actors to place more emphasis on fostering improved practices of civil society inclusion in domestic policy-making settings throughout the accession process.

KEY WORDS: Croatia; civil society organisations; differential empowerment; EU accession; political opportunity structure; social movements.

The European Union (EU) accession process brings a profound transformation not only to candidate countries' institutions and policies, but also to the political opportunity structure in place. The shift from a self-contained state to a multi-level governance system with a dominant EU component inevitably has a strong impact on interactions at the domestic level. With conditionality and political pressure for reform imposing strong constraints on formerly largely unchecked executives, previously marginalised actors may find their claims bolstered

as their preferences overlap with the demands emanating from the EU. Coupled with the EU's calls for participatory democracy and its growing financial and political support for civil society inclusion, the dynamics of membership negotiations open the possibility for a broader spectrum of actors to become involved in domestic policy-making. Yet, as this article argues, it is precisely the need for and reliance upon EU leverage as a vehicle for civil society empowerment that makes the long-term prospect of strengthening civil society actors doubtful.

Europeanisation scholars have coined the term 'differential empowerment' to describe alterations in the domestic power balance induced by the European integration process (Cowles and Risse 2001; Börzel and Risse 2003). The accession process and its inherent asymmetry between the EU and the candidate state (Moravcsik and Vachudova 2003) appears as a particularly favourable context for formerly weak, reform-oriented actors to strengthen their position on the domestic scene. However, previous research on the impact of the EU accession process on civil society in Central and Eastern European countries (CEE) yielded mixed results: while some authors found a limited degree of empowerment in the presence of enabling transnational coalitions (Parau 2010; Langbein 2010), others have suggested that civil society actors in accession countries are too weak to effectively capitalize on new opportunities and instead function essentially as agents of an EU agenda (Fagan 2009; Sudbery 2010). Scholars have pointed to the executive-driven nature of negotiations (Grabbe 2001), the technocratic focus of the accession process on law adoption (Kutter and Trappmann 2010) and the speed and extent of required adjustments as factors impeding a more extensive involvement of civil society (Raik 2006). Extending the debate to a new empirical setting, this article examines civil society empowerment both throughout and in the aftermath of Croatia's accession process. Studying mobilisation of non-governmental

organisations (NGOs) in the field of rule of law, it explores how shifting political opportunity structures affect mobilisation strategies and eventually the extent to which civil society actors achieve differential empowerment.

The findings suggest that while a limited form of differential empowerment of NGOs did occur during the accession process, it amounted to a temporary phenomenon rather than a long-term outcome of membership negotiations. This is largely due to a strategy of mirroring EU conditionality both in content and in form that found its natural end once the EU withdrew as a powerful driver of domestic change. The article begins by outlining the mechanisms through which NGOs may seek to translate EU-related opportunities into domestic impact. A brief section on research design discusses the case selection, data sources and methods used. Drawing on extensive fieldwork, I then trace the curvilinear mobilisation of NGOs active in the field of rule of law: following late organisation due to a lack of awareness for EU-related opportunities, a broad coalition of NGOs had its moment of glory towards the close of membership negotiations. However, its relevance quickly faded once an accession date was set and EU interest in critical input waned, leading to a strategic reorientation towards domestic targets, and eventually to a demobilisation of the movement. These findings hold important lessons both on the limits of externally driven civil society empowerment and on potential improvements to the EU's approach to civil society in future accession negotiations.

Shifting opportunity structures and mobilisation strategies

The EU accession process offers the possibility for differential empowerment by producing alterations in the political opportunity structure that result in changes in actors' resources, objectives, and behaviour (Fairbrass and Jordan 2002). Echoing a recent shift in Europeanisation scholarship towards domestic determinants of adaptation (Elbasani 2013;

Ripoll Servent and Busby 2013), such broad structural shifts require domestic agency to translate opportunities into actual impact of EU-related efforts for the strengthening of civil society. The three-step ‘usages’ approach (Woll and Jacquot 2010) is a particularly useful device when addressing the domestic intermediation of EU pressures: it suggests, firstly, that actors recognize or create political opportunities at the European level; secondly, that they consciously use these opportunities to further their political goals or to enhance their standing in the national arena; and thirdly, that these usages result in some form of influence upon political processes at the domestic level. Rather than establishing a direct link between EU pressures and domestic change, the ‘usages’ approach thus posits actors’ strategic behaviour as an intermediary step between opportunities and their eventual outcomes.

This agency-centred understanding shifts our focus from an analysis of the impact of EU support to a study of actor mobilisation and changing advocacy strategies and targets. Rather than assessing solely the outcome of the EU’s support to civil society, the emphasis lies on how this outcome is produced; in other words, through which mechanisms NGOs seek to strengthen their role in the domestic policy-making process. Concretely, differential empowerment can be thought to work through three separate mechanisms: first, *resource mobilisation* in the form of increased access to both funding and training favours capacity-building among NGOs, allowing them to become recognized as relevant players in policy-making processes. Second, the arrival of the EU on the stage creates a new arena for domestic demands and a potential arbiter between conflicting interests, opening the possibility for *venue shopping* (Marks and McAdam 1996). The ‘Brussels route’ emerges as an alternative to domestic mobilisation or the ‘national route’ (Eising 2007; Jelinčić and Đurović 2011), enabling NGOs to by-pass state-level actors and to wield indirect pressure on domestic policy-makers via a ‘boomerang pattern’ (Keck and Sikkink 1998). Third, EU conditionality,

though a ‘blunt weapon’ (Grabbe 2003: 316), can serve as an important reference point when it comes to *framing* NGO demands and mobilising EU leverage.

Tracing NGO mobilisation throughout the accession process and in its immediate aftermath, this article seeks to uncover whether, when, and how they have strategically drawn on the EU to strengthen their position at the domestic level (Graziano *et al.* 2011). Differential empowerment is understood as a shift in the relative strength of NGOs vis-à-vis executive actors (Parau 2009) that implies their ability to foster some form of domestic change (Sudbery 2010). The initial assumption of a pivotal role for EU pressures in triggering differential empowerment is in line with traditional approaches to accession Europeanisation (Börzel and Risse 2003; Schimmelfennig and Sedelmeier 2005). However, the emphasis upon domestic actors’ strategic usage of this enabling function of conditionality to enlarge their repertoire (Tilly 1983; McAdam *et al.* 2001) brings a new perspective to the study of domestic interactions throughout the EU accession process. This actor-centred approach complements the more structure-oriented studies that seek to evaluate the impact of the EU’s civil society support upon local actors (Fagan 2006; Fagan 2009) and offers a more complex insight into the functioning of EU conditionality as a tool for differential empowerment. Furthermore, whereas existing research mainly focuses on dyadic relationships between the EU and a specific subset of domestic actors – such as national executives (Grabbe 2001; Lippert *et al.* 2001) or civil society actors (Raik 2006; Börzel 2010), the present study sheds light on the triangular dynamics connecting the EU, the state, and the NGO levels. Moreover, the inclusion of both the pre- and the post-accession periods allows for an assessment of the sustainability of EU-induced differential empowerment and examines the capacity of NGOs to adjust their strategies to a renewed shift in the political opportunity structure.

Research design and methods

The research design centres on a within-case analysis of a movement trajectory, heeding the call for a more process-oriented understanding of political opportunities that disaggregates not only outcomes, but also actors involved in producing them (Meyer 2004). By studying the evolution of NGOs' mobilisation strategies and targets over time, I seek to uncover the impact of the shifting political opportunity structure triggered by the changing status regarding EU membership and the resulting shift in the EU's leverage. The choice of Croatia explains itself through the country's intermediary status as a 'bridge' between the CEE enlargements of 2004 and 2007 and the pending membership applications of the remaining Western Balkan countries. While Croatia failed, largely due to its stalled democratisation throughout the 1990s, to 'upgrade' to CEE status in the way its neighbour Slovenia managed to, it did succeed in negotiating its accession rather swiftly following the opening of talks in October 2005, with negotiations closed in June 2011. The accession process itself was marked by a shift in the EU's attention from legal adaptation to actual implementation of adopted changes on the ground, in an attempt to foster deeper changes that would be less easily reversed post-accession. This focus on implementation, coupled with a reinforcement of the EU's support to NGOs, seems to offer more favourable conditions for civil society empowerment than was the case in CEE, making Croatia a particularly relevant case to study.

An examination of NGO mobilisation in the sector of rule of law, rather than around a specific issue, allows for a broader appreciation of the dynamics at play. The concrete analysis thus focuses on NGOs working in the area of *acquis* chapter 23, which deals with judiciary and human rights. The high concentration of NGOs active in this area facilitates the extensive collection of data, which is crucial for effective process-tracing (Schimmelfennig 2006; Checkel 2013). Given the centrality of rule of law to the overall domestic reform

process and the ensuing high level of EU attention and thus of EU leverage, it becomes a most-likely case for civil society empowerment. Such a choice makes sense in light of previous findings of limited civil society empowerment in CEE (Börzel 2010). Whereas positive findings for a hard case would increase the potential for generalisability beyond the selected policy area, a failure to find differential empowerment in an easy case would suggest a similarly weak role for NGOs in other policy fields.

The chosen time period for analysis encompasses the four-year period between the opening of negotiation chapter 23 in October 2010 to the latest report on reform progress issued by a coalition of Croatian NGOs in November 2014. Not only does such a longitudinal study facilitate the close tracing of theorized mechanisms of differential empowerment, but it also allows for the division of a single case into two distinct ‘before’ and ‘after’ cases amenable to comparative process-tracing (George and Bennett 2005: 79-83). Given the prototypical nature of the Croatian case as the first accession country to have benefited from an explicit and extensive support to civil society actors in the run-up to membership, the emphasis lies on theory-building over the evaluation of specific hypotheses (Beach and Pedersen 2013).

The empirical analysis builds on data gathered in 40 semi-structured face-to-face interviews, eight of which were conducted in Brussels on several shorter trips between November 2013 and November 2014, and 32 during a six-week fieldwork period in Croatia between March and May 2014. Interviewees were selected via snowball sampling and drawn from NGOs, state institutions, as well as the EU and other international donor institutions. They were asked to recount, from their respective perspective, NGO mobilisation around chapter 23 both in terms of their scope of activity and their degree of engagement with different sets of domestic and EU-level actors from the opening of chapter 23 up to the point at which the

interview took place. Interviews were conducted in Croatian or in English. In order to obtain as comprehensive an insight as possible and to avoid reliance upon a single source for specific facts, interviews were frequently held with several different representatives from the same organisation or institution. In addition, documentary analysis of EU documents, NGO publications and press releases, as well as media reports from Croatia was used to triangulate the information obtained from actors themselves and in order to fill evidentiary gaps necessary for the close tracing of evolving NGO strategies.

Empirical findings

The close tracing of NGO activity in the pre- and the post-accession period shows a notable shift in terms of mobilisation strategy and, to a lesser extent, the degree of differential empowerment achieved. The pre-accession period is marked by a gradual professionalisation of NGOs through resource mobilisation, a strong reliance upon the ‘Brussels route’ and a successful framing of demands along the lines of EU conditionality that results in a visible, albeit limited, recognition of NGOs as relevant policy-players. The post-accession phase sees a shift of advocacy targets towards the domestic level and a strong decline in the extent of resource mobilisation due to the reduced availability of international funding and the withdrawal of political support for NGO demands. As a result, accession-related framing no longer unfolds the same persuasive power, leading to a weakening of empowerment and eventually a decline of NGO mobilisation altogether.

Late, but successful EU-level mobilisation: the pre-accession period

Broad and visible mobilisation of Croatian NGOs active on the rule of law was closely tied to the opening of negotiations in acquis chapter 23. The initial stages of membership talks were marked by bilateral contacts between the European Commission representing the member

states and Croatia as a candidate country. NGOs during this period displayed a general disinterest in EU-related matters, focusing instead on domestic issues and adapting only very gradually to the new multi-level environment that had come to determine the speed and orientation of the domestic reform process.¹ As one Croatian NGO representative put it in a written contribution for the newsletter of a Serbian organisation:

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

Still, during the early years of Croatia's membership negotiations, a progressive structural change in the country's NGO landscape became noticeable: increased access to EU funding for project-based activities geared a number of organisations towards dealing with accession-related topics, resulting frequently in the creation of EU-oriented programmes within NGOs and an administrative restructuring to respond to the complexity of the fundraising process (Đokić and Sumpor 2013). Moreover, an increasing number of NGOs began to move from advocacy-focused activities to monitoring and the regular publication of very detailed reports on specific areas mostly related to the rule of law and the protection of human rights.² The structural adaptation of the NGO scene to the accession process also transpired through the use of more managerial approaches to advocacy work, with a growing number of organisations undergoing regular strategic planning sessions and working with policy frameworks and other formal guidelines borrowed from the international development toolkit.³ This gradual professionalisation, largely facilitated through the mobilisation of

¹ Interview with a representative of the Heinrich Böll Foundation, 7 May 2014.

² Interviews with representatives of the Youth Initiative for Human Rights, 8 May 2014, and of Documenta, 26 May 2014.

³ Interview with a representative of GONG, 6 May 2014.

financial and technical resources provided by the European Commission, set the stage for a more substantial involvement of NGOs at later stages of the process.

The stronger mobilisation of NGOs on accession-related topics was further favoured by their progressive recognition of NGOs as sources of information by the EU Delegation on the ground. Starting from 2008 as an expression of the Commission's commitment to civil society support, the Delegation staff in charge of the monitoring domestic reform progress began to consult NGOs on their government's performance in various priority areas.⁴ This offered a valuable access point for NGOs to feed into the EU assessments of their country's performance, opening the door to venue shopping or rather venue shift, towards the EU level. Confirming the importance of transnational actors found in earlier studies, it was the Open Society Foundation's Brussels Office that advocated for an institutionalisation of civil society consultations both through the Delegations and at DG Enlargement itself, contributing funding to cover the travel expenses of NGO representatives presenting their views in Brussels.⁵

The joint recognition of the EU as a valuable partner and the sense of urgency to act before the closure of accession negotiations froze a state of reform with which most NGOs were not satisfied, a growing number of human rights and watchdog organisations came together as a "coalition for the monitoring of accession negotiations."⁶ This bringing together the voices of civil society was crucial in facilitating the Commission's dealings with NGOs⁷ and in aiding

⁴ Interviews with a representative of the Open Society Foundation, 3 April 2014, and an EU official, 7 May 2014.

⁵ Interview with a representative of the Open Society Foundation, 28 March 2014.

⁶ Interviews with representative of Documenta, 5 May 2014, Green Action, 12 May 2014, and the Centre for Peace Studies, 13 May 2014.

⁷ Interview with a representative of the Open Society Foundation, 3 April 2014.

them to become recognized by the government as credible actors in the accession process.⁸ In February 2011, the coalition issued a first joint opinion on Croatia's readiness to finalize negotiations, voicing concern that the "closing of Chapter 23 should mean that positive changes in the rule of law are irreversible, which is still not the case" (Coalition for the monitoring of accession negotiations 2011b: 1). By coincidence, details from the report reached the members of the EU negotiating team as they sat in the office of the Croatian Chief negotiator, triggering a series of worried questions that took the Croatian side by surprise.⁹ According to a source close to the accession negotiations, the report was "very damaging for us, we had to invest much effort to show we were ready."¹⁰ Three months later, the coalition issued a follow-up report that expressed ongoing concerns over reform efforts in chapter 23 and the government's implementation capacities (Coalition for the monitoring of accession negotiations 2011a). However, reluctant to suggest delaying the closure of negotiations in light of an already sceptical public opinion, the coalition instead proposed the establishment of "a formal independent monitoring mechanism in at least the first three years upon the closing of negotiations, throughout the ratification period and beyond" (ibid: 2).

Encouraged by a number of international actors to go beyond local contacts in the EU Delegation, the coalition used its monitoring reports to engage with a broad range of EU-level actors, including Commission officials in Brussels, representatives of member state Embassies and MEPs, particularly from the Green Party.¹¹ In line with the logic of usages, once an awareness for the new opportunities had been created, there was a sudden surge both in the level of NGO activity and in their degree of recognition both by domestic media (Večernji list 2011) and EU-level actors. The coalition in particular enjoyed a resounding

⁸ Interview with a representative of the Croatian Foreign Office, 4 April 2014.

⁹ Interview with a member of the Croatian negotiating team, 4 April 2014.

¹⁰ Interview with a former government representative, 1 April 2014.

¹¹ Interviews with representatives of the Heinrich Böll Foundation, 7 May 2014, and of GONG, 2 April 2014, the Centre for Peace Studies, 31 March and 13 May 2014, and Green Action, 12 May 2014.

success, which one of its members summarized as “everyone wanted to meet us (...) the coalition became the strongest NGO player on the scene”¹². The awareness on the side of government actors of these close contacts, as well as EU officials referring to NGO comments in their dealings with state-level actors, increased both the visibility and the credibility of NGOs on the domestic scene.¹³

On the whole, it appears that the differential empowerment of Croatian NGOs was enabled by the concurrent appearance of a number of conditions: firstly, the closure of accession negotiations opened a window of opportunity where EU leverage was at its maximum. Even more specifically, the coalition members were able to benefit from the EU’s near-exclusive focus on chapter 23, which was among the very last, and most sensitive, to be closed. Their priorities were therefore aligned with those of the EU, greatly facilitating the emergence of a ‘boomerang pattern’ of empowerment. Secondly, transnational actors supported NGO efforts by pointing to specific opportunities for NGO mobilisation and pushing for increased engagement of the EU with civil society actors. Such a more comprehensive advocacy strategy increased the range of international allies supporting NGO claims, in turn strengthening their credibility vis-à-vis government actors. Finally, the chosen methodology of shadow reports was most likely to raise the EU’s attention. Indeed, comments from EU officials suggest that the monitoring reports were so successful precisely because they mimicked the EU’s technocratic language, offering critical input in a format easily digestible for the target group.¹⁴

¹² Interview with a representative of B.a.B.e., 31 March 2014.

¹³ Interview with a former member of the negotiation team, 1 April 2014 and a former member of the negotiation Secretariat, 4 November 2014.

¹⁴ Interview with an EU official, 14 March 2014.

Despite the obvious achievements of the coalition, the rise of the monitoring coalition is also indicative of the extent to which civil society empowerment is tied to the proactive usage of EU leverage, and thus likely to be limited in time. Most importantly, and foreshadowing the developments to come, civil society empowerment remained largely procedural (Kitschelt 1986): whereas NGOs did manage to raise the Commission's awareness for certain specific shortcomings overlooked in its earlier assessments¹⁵, there is no clear evidence for a substantial impact of NGOs on either the timing or the conditions of the closure of membership talks. Tellingly, the coalition's central demand – the establishment of a post-accession internal monitoring mechanism to prevent the backsliding of reforms – was rejected. Whereas EU actors were initially interested in such a mechanism, they eventually backed off in the face of the Croatian government's reluctance¹⁵, all the more since both the Commission and the member states were wary that such a decision might be interpreted as signalling a failure on the part of Croatia to fully meet all membership requirements prior to entering the EU.¹⁶

Post-accession reorientation to the domestic level and decline of the movement

The closure of accession negotiations in June 2011, much more so than Croatia's actual accession two years later, inaugurated a crucial shift in the political opportunity structure domestic NGOs were faced with. In the words of one interviewee, the Commission began to “behave like a bad stepmother”¹⁷, turning its back on the very organisations it had previously contributed to strengthening. With the change in Croatia's membership status imminent, both the EU and the member states were keen to treat their political counterparts as equals, avoiding all-too-harsh criticism of outstanding shortcomings. Thus, while the Commission

¹⁵ Interview with a representative of B.a.B.e., 31 March 2014.

¹⁶ Interviews with a Croatian academic, 12 May 2014, a member state representative, 12 May 2014, and an EU official, 1 April 2014.

¹⁷ Interview with a representative of the Youth Initiative for Human Rights, 6 May 2014.

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

In light of the new situation, Croatian NGOs adapted their mobilisation strategy, shifting their advocacy from the EU to the domestic level. Shortly before the next legislative elections, held in December 2011, the coalition formulated 112 distinct requests to all political parties running for office. Renamed 'Platform 112', the coalition meanwhile united 70 different organisations. The outcome of the elections initially seemed to favour NGO demands: breaking the eight-year domination of the only partially reformed Croatian Democratic Union (HDZ) that was in office during the violent independence war of the 1990s, the Social Democratic Party, traditionally much closer to the NGOs liberal-democratic agenda, came to power. The leaders of Platform 112 placed great hopes in the arrival of a government they expected to be more sympathetic to their calls for improvements especially in the area of human rights.¹⁸ However, their expectations were largely disappointed, with the new government proving even less receptive than the previous HDZ leaders who had been subjected to substantial EU pressure.¹⁹

In April 2012 and in March 2013, the Platform published comprehensive reports on the government's performance on all 112 requests, pointing to serious reform gaps. However, the Platform suffered from the notable change in attitude of its former EU-level allies.²⁰ Whereas it continued to frame its demands in terms of the commitments taken on by Croatia during the

¹⁸ Interview with an academic, 3 April 2014,

¹⁹ Interview with a representative of B.a.B.e., 31 March 2014.

²⁰ Interviews with a representative of GONG, 2 April 2014, of Zagreb Pride, 6 May 2014, and with two member state representatives, 12 and 14 May 2014.

accession process in, the Platform could no longer rely on the backing of the EU.²¹ Following the closure of accession negotiations, the only recently established triangle of EU-state-NGO actors was once again reduced to a dyad, with NGOs left on the margins of accession-related interactions. In the absence of close ties with the broader population and strong support through public opinion for their demands, the Platform could build no credible pressure via the ‘national route’.

In light of the conservative backlash that characterized the post-accession period (Dolenec 2015), Platform 112 shifted its focus once again, from state-level targets to citizens.²² It launched two major campaigns, one seeking to convince voters in a national referendum to reject the introduction of a constitutional ban on same-sex marriages, and another regarding the protection of the use of Cyrillic script in areas with a large Serbian minority. Drawing on established media contacts and targeting a wide audience through public events and press conferences, the Platform is seeking to position itself as a promoter of tolerance of and liberal norms in line with ‘European values’ the country was thought to embrace by becoming an EU member.²³ While their arguments failed to convince a majority of voters in the same-sex referendum campaign – the constitutional amendment defining marriage as a union of man and woman was adopted with 64.8% of the votes – the substantial analysis of Croatia’s commitments under the accession process and various international conventions regarding the protection of minority languages was an important element leading the Constitutional Court to strike down the referendum on a restriction of the use of Cyrillic (Balkan Insight 2014).

²¹ Interview with a representative of Documenta, 5 May 2014, and of GONG, 6 May 2014.

²² Interview with a representative of the Open Society Foundation, 3 April 2014, and of GONG, 6 May 2014.

²³ Interviews with a representative of B.a.B.e., 31 March 2014, and of GONG, 2 April 2014.

Despite the Platform's ongoing activities, it is struggling to find its place post-accession.²⁴ Besides the loss of the EU as its most powerful ally, an increasing number of organisations are also suffering from the gradual withdrawal of international donors and the complicated transition from pre-accession to structural funds that frequently results in payment gaps that put at risk the very survival of some of the strongest NGOs.²⁵ The latest Platform report published in November 2014, almost two years after the previous one, is revelatory of the decline of the movement. The tone is bitter, with the state of play assessed as a "long-term downward trajectory into the abyss" (Platform 112 2014: 1). Departing from previous practice, and expressing the degree of disillusionment with the performance of government actors, the report also makes no recommendations for improving the work of authorities, "since we believe it to be unrealistic to expect substantial reforms in the forthcoming election year" (ibid.: 1).

On the whole, it appears that civil society empowerment in Croatia has come full circle: following late, but successful mobilisation through the strategic usage of EU leverage in the final stages of the accession process, the waning of the EU's interest forced NGOs to focus their attention on engagement with domestic actors. Whereas the strong reliance upon the 'Brussels route' may have been a rational choice during the accession process, this strategy simultaneously precluded a more long-term empowerment of civil society actors. Besides, even where civil society empowerment did occur, it was largely procedural, limiting the potential for NGOs to wield substantial influence to areas where their preferences were closely aligned with those of the EU. Following the closure of membership talks, both attempts to pressure the new government into completing outstanding reforms once membership talks had been concluded and efforts to re-engage with citizens largely failed.

²⁴ Interview with a former government representative, 1 April 2014, a NGO representative, 2 April 2014, and a representative of the international donor community, 3 April 2014.

²⁵ Interview with a representative of GONG, 6 May 2014.

Conclusions

This article set out to explore civil society empowerment in the Croatian accession process, extending previous research from the CEE enlargement round to a new empirical context. Unpacking the mechanisms of differential empowerment, I suggest that the temporary strengthening of NGOs during the final stages of the accession process was brought about by a combination of resource mobilisation allowing for a professionalisation of the sector, a strategic venue shift towards EU actors as advocacy targets, and the framing of NGO demands in accession-related terms. Nonetheless, despite the existence of more generous and more targeted EU support, the extent of civil society empowerment remains limited for two key reasons: first, following late mobilisation, NGOs struggled to go beyond a ‘sandwich strategy’ consisting in reinforcing existing EU pressures from the bottom up. This strategy found its natural end with the closure of negotiations and the ensuing withdrawal of the EU as a powerful driver of domestic change. Second, the overreliance on the ‘Brussels route’ failed to durably improve the domestic standing of NGOs and undermined their ability to convince elite allies at the national level to carry their positions into the policy process once accession talks had been concluded.

The Croatian experience holds two sets of implications: at the theoretical level, it appears that a narrow focus on the structural impact of EU support for civil society fails to capture domestic and agency-level dynamics that decisively shape the form and extent of differential empowerment obtained throughout the accession process. To begin with, the effective use of EU-related opportunities requires domestic awareness for and active usage of such new possibilities. In addition, a focus on usages allows for an analysis of civil society actors not as mere recipients of EU support, but as actively involved players seeking to strategically exploit

the possibilities opened by the accession process. Finally, shifts in mobilisation forms and targets can be better understood when complementing the traditional top-down perspective dominant in Europeanisation studies with insights gleaned from social movement and interest group research and studying the process over time to fully appreciate the effect of varying domestic dynamics.

In practical terms, the lessons of the Croatian experience for future refinements of the EU's policy of support to civil society are two-fold: first, the Commission would do well to complement its primarily instrumental use of NGOs as local watchdogs with a more long-term investment in improving the structural inclusion of civil society actors in domestic policy-making processes. Institutional improvements are one important facet of such a shift, and useful steps have been undertaken since the Croatian accession to push for a better 'enabling environment' for NGOs. However, a change in the political culture that often hampers fruitful government-NGO relations would require a more systematic approach to fostering a routine of civil society inclusion throughout the accession process, in order for such practices to continue beyond the accession date. Second, the strong shaping power of EU leverage for NGO strategies meant that the sudden drop in pressure following the closure of negotiations pulled the rug out from under the Croatian NGO coalition members' feet. While the introduction of a post-accession monitoring mechanism, be it through the EU or internally with a degree of EU oversight, can extend the enabling function of EU leverage beyond the accession date (Dimitrova and Buzogany 2014), it would still be only a transitional solution towards a deeper transformation of local consultation practices. Given that it requires time for institutional changes to translate into new practices, it would be useful for any improvements in domestic-level engagement with civil society actors to take place early on in the accession process for their effects to take hold while EU leverage is still strong. A more explicit

conditionality on inclusive policy-making, as it already seems to be emerging albeit in non-binding terms (European Commission 2013), can be a first step towards fostering sustainable civil society empowerment throughout – and beyond – the accession process.

Regarding future avenues for research, it is striking that the experience of civil society actors in CEE countries did not shape more strongly the strategies of Croatian NGOs, who could have drawn important lessons from the limited results achieved by their counterparts in the CEE region. Late awareness for the new opportunities offered by the ongoing accession process made a ‘boomerang’ strategy the only hope to affect domestic reforms in the final stretches of the negotiations, resulting in the described limited form of empowerment. An earlier mobilisation targeted both at EU-level and national actors in an effort to foster a more durable shift in the political opportunity structure may have enabled NGOs to create more favourable conditions for their ongoing involvement beyond the accession date. While the potential for diffusion and lesson-drawing remained underexploited in the shift from CEE enlargement to Croatia, the close historical ties between Croatia and the remaining accession candidates from the Western Balkans have already fostered closer cooperation and lesson-sharing.

Preliminary findings seem to indicate that learning is taking place at several levels: one important change in the EU’s strategy consists in the decision to open the highly political chapters 23 and 24 early on in the negotiations to ensure a substantial period of time for reforms and their consistent implementation on the ground, thereby expanding the window of opportunity during which NGOs active in this field can draw on EU leverage. Besides, the experience of their Croatian counterparts has made NGOs across the region more aware of the need to mobilise early and to use the accession process to foster more sustainable forms of

inclusion at the domestic level. A close study of the NGO mobilisation strategies in other Western Balkan countries and their reception by domestic actors would be worthwhile to assess to what extent they are able to emancipate themselves from the need for EU leverage and empower themselves more durably as credible and effective partners in the domestic policy-making process.

7164 words

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Notes

¹ For instance, oversight over anti-discrimination complaints was given to the Ombudsman rather than a new specific Commissioner being created, as the government had originally intended.

Interviews partners from the following organisations and institutions

B.a.B.e. (Budi aktivna. Budi emancipiran.)

Centre for Peace Studies

Delegation of the European Union to Croatia (transition office)

Documenta – Center for Dealing with the Past

Embassy of France in Croatia

Embassy of the Netherlands in Croatia

European Commission, DG Enlargement

GONG

Government Office for Cooperation with NGOs

Heinrich Böll Foundation, Zagreb Office

Ministry of Foreign and European Affairs of the Republic of Croatia

Ministry of Justice of the Republic of Croatia

Open Society Foundation, Zagreb Office

Representation of the European Commission in Croatia

TACSO Croatia Office

Youth Initiative for Human Rights

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