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**ANALYSIS ON HOW TO BETTER INVOLVE CITIZENS AND CIVIL
SOCIETY ORGANIZATIONS IN THE EU INTEGRATION PROCESS
AND STABILIZATION AND ASSOCIATION AGREEMENT
IMPLEMENTATION PROCESS**

Pristina, September 2016

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This research was made possible with the contribution from the “SAA and Visa Liberalisation Public Awareness” project, jointly financed by the Ministry of European Integration and UNDP Kosovo.

The findings and opinions expressed in this document do not reflect the official stands of either organisation.

1. Content, goals and project's methodology

1.1. Project's relevance and goals

Kosovo is a potential candidate for accession to the European Union (EU). The two parties have signed the Stabilization and Association Agreement (hereinafter: SAA) on 27 October 2015 in Strasbourg, which entered into force by 1 April 2016. SAA provides a framework for the relations between Kosovo and EU, and aims implementation of European reform agenda for Kosovo - that is to progressively align Kosovo with the EU in all policy fields, until receiving full EU membership. Therefore, to fulfill this expectation Kosovo should undergo through political and economic reforms and adopt EU acquis – specifically all the EU's treaties and laws applicable within EU polity by all member-states. The reform process is thoroughly monitored directly from EU institutions and all EU member-states.

The National Program for Implementation of SAA emphasizes the need to make optimal use of national capacities for a long-term preparation and an inclusive approach from different parts of society in order to implement the SAA.¹ It also notes that taking the path of EU integration implies enhancing institutional capacities and readiness for a deep political and economic reform which ultimately will affect various spheres of life in Kosovo's society. In this regard, engagement of civil society organizations (hereinafter: CSO) in the process of integration can certainly give a boost to the work of the government, represent various groups of citizens and consequently strengthen democracy. Therefore, in order to have a substantial inclusion of all stakeholders, an active role, with the means to contribute, promote and monitor the SAA implementation should be granted to CSOs.

Indeed, one of the conditions set for the accession of membership in the EU, is the increased cooperation between the Kosovo government and CSOs. In this respect, European Commission Progress Report for Kosovo (2015) notes that even though there has been

¹ Government of Kosovo (2016) *National Programme for Implementation of the Stabilisation and Association Agreement (NPISAA)*. Available at: http://www.mei-ks.net/repository/docs/3_pkzmsa_miratuar nga kuvendi final_eng.pdf (accessed on: 13/09/2016).

improvement of the cooperation between the government and CSOs, governmental strategy for cooperation with CSOs is not fully implemented.² Further, the EU recognizes the role of CSOs as a key element of a democratic system, and recommends that as such it should keep an active role in the process of the integration. CSOs involvement in improving and monitoring policy-making process; could help deliver adequate reform, hence facilitate Kosovo's aspiration to join the EU. Consequently, it is of vital importance to investigate means of increasing the quality of the civil society participation in the EU integration process and SAA implementation process.

This report examines one segment of the Kosovo integration process in the EU - the CSO dimension. The main objective is to investigate and analyze how CSOs have been integrated into EU integration process, thereby in policy making, monitoring the governance process and raising public awareness of the EU integration process. Moreover, this report will address these issues: What are the central positions of the governmental bodies and the representatives of CSOs on how and where the latter should take part in the processes and what are the problematic aspects? How can the CSOs and citizens be more mobilized to help in the integration process?

The report provides a comprehensive review of the mechanisms used for participation of citizens and CSOs toward EU integration process. The report also maps the best practices and challenges for such cooperation, and provides recommendations to overcome challenges.

1.2. Methodology

The main goal of this study is to provide an in-depth analysis on how to better involve citizens and CSOs in the EU integration process and in the implementation process of the SAA. In order to achieve this goal, we have used two main research tools:

² European Commission (2015) *Kosovo 2015 Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf (accessed on: 13/09/2016).

First interviews with CSO representatives, academic community and governmental representatives were conducted. Thus, the below institutions represent among others, some of the main relevant stakeholders which have been consulted and/or interviewed for this study:

- 1) CiviKos
- 2) Kosovar Civil Society Foundation (KCSF)
- 3) D4D
- 4) Balkans Policy and Research Group
- 5) Kosovo Foundation for Open Society (KFOS)
- 6) KIPRED
- 7) Levizja FOL
- 8) Kosovar Center for Security Studies (KCSS)
- 9) Kosovo Parliament, Commission for European Integration
- 10) Ministry of Foreign Affairs, Republic of Kosovo
- 11) Ministry of European Integration, Republic of Kosovo.

Second collection and examination of data from project reports of international organizations (such as the European Commission annual progress reports) and/or reports or strategies of the respective national institutions (such as the Ministry of European Integration of Kosovo).

1.3 Questionnaire

In order to implement the first and crucial methodological step of the project – interviews – it became necessary to formulate a series of specific questions, which in turn would help to accomplish the study. In this way, in order to be able to gather the necessary information and achieve the study goals, RIDEA has drafted a comprehensive questionnaire with 15 questions. The complete text of the questionnaire is attached in the form of an annex in this report.

2. Cooperation of Civil Society Organizations and Governmental Actors in the EU Integration Process and SAA Implementation Process

2.1 Civil Society Organizations in Kosovo

Civil society is considered a crucial component of a democratic society. The concept of civil society depends on the cultural, political and administrative context of a country. According to Scholte (1999), civil society can be understood as a political space where voluntary associations deliberately seek to shape the rules that govern aspects of social life.³ CIVICUS, a global network of CSOs, defines civil society as “the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organizations and institutions to advance shared interests (p. 10).”⁴

In organizational forms, civil society includes formally constituted and officially registered groups as well as associations that may not appear in any directory.⁵ According to the European Commission of Communities (2002), CSOs can be used as a short-hand to a range of organizations, such as: organizations representing social and economic actors, the labor market players (e.g., trade unions), non-governmental organizations (e.g., human rights organizations, charity organizations), community-based organizations (e.g., youth associations, family associations) and religious communities.⁶

The traces of first CSOs in Kosovo can be found around late 1980s and beginning of 1990s. During the 1990s, CSOs provided limited services in the fields of health care and human rights protection. However, the number of CSOs significantly increased after the war,

³ Scholte, A. J. (1999) *Global Civil Society: Changing the World?* CSGR Working Paper No. 31/99. Available at: http://www.unicef.org/socialpolicy/files/Global_Civil_Society_Changing_the_World.pdf (accessed on: 13/09/2016).

⁴ CIVICUS (2013) *The State of Civil Society 2013: Creating an Enabling Environment*. Available at: http://socs.civicus.org/wp-content/uploads/2013/04/2013StateofCivilSocietyReport_full.pdf (accessed on: 13/09/2016).

⁵ *Guidelines for EU support to civil society in enlargement countries 2014-2020*. Available at: https://eeas.europa.eu/delegations/kosovo/documents/press_corner/elarg_guidelines_cs_support_after_online_consultation_03072013.pdf (accessed on: 13/09/2016).

⁶ European Commission of Communities (2002) *Communication from the Commission*. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0704:FIN:EN:PDF#_Toc46744741 (accessed on: 13/09/2016).

covering numerous fields, such as democracy, rule of law, human rights, minority issues, and community development, etc. Although, there are about 7000 registered CSOs in Kosovo, only a small proportion of them are active or partly active.⁷

In the aftermath of the war, due to large scale of financial and technical support from international donors, most of the CSOs were donor-driven. As a result, CSOs in Kosovo were inconsistent in adherence to their stated mission and less responsive to the needs of the community.⁸ Nevertheless, a number of CSOs have constantly moved ahead in shaping and profiling themselves. Several successful initiatives and campaigns influenced policy developments, and thus played a crucial role in positioning civil society as an important sector in the state-building and democratization process.

The 2014 Kosovar civil society index report outlines the state of CSOs in Kosovo, in terms of structure, legal framework, funding, perceived impact of the CSOs, and the external environment in which the CSOs operate.⁹ The main findings of this study are summarized below:

- ❖ In general, CSOs that are engaged in policy making perceive their influence as limited. And specifically, CSOs perceive they have limited influence on issues related to economic development and the rule of law, but more influential in areas of democratization, gender equality and in support of poor communities and marginalized groups;
- ❖ CSOs' access to public information and their inclusion in consultative processes for the development of laws and policies is assessed as limited. The problem is perpetuated by the lack of application of foreseen legal sanctions for the officials that refuse access to official information;

⁷ Hoxha, T. (2011) *Better Governance for a Greater Impact: A Call for Citizens*. Available at: <http://civicus.org/downloads/CSI/Kosovo.pdf> (accessed on: 13/09/2016).

⁸ Nilsson, S. (2012) *Opinion of the European Economic and Social Committee - The role of civil society in EU -Kosovo relations*. Available at: http://eur-lex.europa.eu/legal_content/EN/TXT/?uri=uriserv%3AOJ.C_.2012.181.01.0021.01.ENG#ntr7-C_2012181EN.01002101-E0007 (accessed on: 13/09/2016).

⁹ Hoxha, T. (2014) *The Kosovar Civil Society Index*. Available at: http://www.kcsfoundation.org/repository/docs/05_02_2015_2315218_KCSF_Kosovar_Civil_Society_Index_web_final_ENG.pdf (accessed on: 13/09/2016).

- ❖ CSOs remain highly dependent on international funding. About 74% of funding comes from international donors. As a consequence, donors may affect the agenda of the civil society;
- ❖ Citizen membership in CSOs also remains very low, with only 2% of population being a part of one or more CSOs.

Other studies show that *one in five* Kosovans participate in some way in the activities of CSOs¹⁰ and that citizens place relatively high degree of confidence in their work in Kosovo; more importantly higher than in the work of government.¹¹ Further, in the recent years some slight improvements were noted in the overall sustainability of CSOs, given the increase of funds from central and local institutions for service provision, and the strengthening of formal collaboration between CSOs and policy makers.¹²

2.2 Main Documents for Regulation of the Cooperation between the Kosovo Government and CSOs

Kosovo established three key documents that guide the cooperation between the government and CSOs. These documents are briefly discussed below:

- i. The Kosovo government in November 2007 has signed the Memorandum of Cooperation of the Government of Kosovo with Civil Society represented by Civikos Platform.¹³ Through this Memorandum of Cooperation, Government and representatives of civil society organizations agreed on the main principles of

¹⁰ United Nations Development Programme (2008) *Kosovo Human Development Report*. Available at: http://www.ks.undp.org/content/kosovo/en/home/library/human_development/KHDR2008.html (accessed on: 13/09/2016).

¹¹ International Swedish Institute for public administration (2014) *Civil society organizations in Kosovo*. Available at: http://www.tacso.org/doc/ipsos_report_ko.pdf (accessed on: 13/09/2016).

¹² United States Agency for International Development (2014) *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia*. Available at: https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf (accessed on: 13/09/2016).

¹³ For the full report visit: <https://zgm.rks.gov.net/Portals/0/Memorandum%20i%20i%20bashkepunimit%20Anglisht%20%20.pdf> (accessed on: 13/09/2016).

cooperation. The memorandum is assessed as a necessary first step to set the stage for the development of a Government Strategy for Cooperation with Civil Society.

- ii. The Kosovo government in August 2013 has approved Government Strategy and Action Plan for Cooperation with Civil Society 2013-2017.¹⁴ In general terms, this strategy aims to ensure a supportive and favorable environment for the development of CSOs and create structured mechanisms for cooperation between CSOs and Kosovo's government. Specifically, it aims to foster the participation of CSOs in drafting and implementing policies and legislations, contracting public services to CSOs, develop well defined criteria to financially support the CSOs and to promote an integrated approach to volunteering development.
- iii. Last but not least, in March 2016 Kosovo government has published the National Programme for Implementation of the Stabilization and Association Agreement (NPISAA).¹⁵ NPISAA is the main national policy document for EU membership, and as such provides framework for planning, implementing and monitoring the implementation of all the reforms required for fulfillment of the SAA agreement. NPISAA acknowledges the Assembly progress in terms of consultation with civil society, indicating the increased number of consultations with civil society and with the public. However, it also notes that there is a need:

to finalize the minimum standards for public consultation together with the "online" platform for civil society in order to enable the early reaction of public on legislation, policies and strategies and to increase transparency in the context of accountability as a basic principle for public administration (ibid, p. 28).

¹⁴ Republic of Kosovo (2013) *Government Strategy for Cooperation with Civil Society 2013 – 2017*. Available at: [http://www.kryeministri.ks.net/repository/docs/Strategjia_qeveritare_per_bashkepunim_me_shoqerine_civile_drafti_perfundimtar_\(2\).pdf](http://www.kryeministri.ks.net/repository/docs/Strategjia_qeveritare_per_bashkepunim_me_shoqerine_civile_drafti_perfundimtar_(2).pdf) (accessed on: 13/09/2016).

¹⁵ See footnote 1.

Further, NPISAA advocates the involvement of civil society actors (e.g., through membership in different councils) in tackling various issues related to the reform agenda for Kosovo, in wide-ranged areas such as corruption, organized crime or gender equality.

2.3 The Role of Civil Society Organizations in the EU Integration Process

There are many influential factors that determine the process of democratic consolidation of a country. In general, scholars agree that consolidation of democracy is not possible without a strong and independent civil society and institutionalized parties – as two vital actors of healthy and functioning democracies.¹⁶ In countries with functional democracies, CSOs are assumed to be a major political forum for the articulation of social agendas and the promotion of human rights.¹⁷ In contrast, when CSOs represent only subgroups of people, they can contribute in fragmenting and polarizing of the society.¹⁸ An independent CSO can communicate the interests of society and influence the decisions-making process in the government. In fact, it has been consistently revealed that the level of organizational membership is substantially higher in countries with established democracies compared to post-communist European countries.¹⁹ High level of organizational membership ensures democratic development of the state, as citizen active participation represents a critical feature of the quality of democracy.²⁰ Several studies have examined and assessed the role of CSOs in the EU integration process. In this respect, Bogdan (2011) postulated seven

¹⁶ Özler, I. and Sarkissian, A. (2011) Stalemate and Stagnation in Turkish Democratization: The Role of Civil Society and Political Parties. *Journal of Civil Society*, Vol. 7 No. 4, pp. 363-384.

¹⁷ Scott, J. and Liikanen, I. (2010) Civil Society and the 'Neighbourhood' Europeanization through Cross-Border Cooperation? *Journal European Integration*, Vol. 32 No. 5, pp. 423–438.

¹⁸ Ekiert, G. and Busse, A. (2007) Strengthening Pluralism and Public Participation in New Democracies. In: J. I. Dominguez & A. Jones (Eds) *The Construction of Democracy: Lessons from Practice and Research*, pp. 20–44. Baltimore, MD: Johns Hopkins University Press.

¹⁹ Howard, M. M. (2003) *The Weakness of Civil Society in Post-Communist Europe*. Cambridge: Cambridge University Press.

²⁰ See footnote 6.

preconditions that could ease successful engagement between CSOs and governmental actors:²¹

(1) More centralized civil-society representation. This suggests the importance of establishing networks of CSOs with common goals, given that the government will have a single platform to address the CSOs. Further, it will strengthen the CSO's collective advocacy efforts;

(2) A strong culture of cooperation on both sides. This suggests that CSOs must be well prepared to offer input in policy making. On the other hand the government must be willing to cooperate;

(3) Emphasis on the function rather than the form of engagement. This suggests that the focus must be in the quality of the cooperation, instead of the structure of the cooperation;

(4) Continuous (rather than one-off) engagement. In order to establish a sense of ownership and sustainability, CSOs must engage in every stage of the EU accession process;

(5) Strong civil society ownership. This suggest the CSOs must know what works best in their communities and can carry work forward when funding ends;

(6) Capitalizing on existing momentum for reforms. The EU institutions should use the propitious moment to engage the CSOs, in order to harness the enthusiasm for reform;

(7) Innovative capacity building. CSOs must receive support not just with money, but also through creative use of new technology.

In more concrete terms, the role of CSOs in the EU integration process is generally assessed by its impact in the negotiation process. However, since Kosovo has not started the negotiations with EU, CSOs' role is emphasized in policy making process, monitoring and adopting EU reforms.²² CSOs through consultation processes may provide input in drafting strategies, legislation or policies and monitor the implementation of SAA. CSOs through

²¹ Bogdan, B. N. (2011) *The role of civil society in EU Migration Policy: Perspectives on the European Union's engagement in its neighborhood*. Migration Policy Institute: Washington, DC.

²² Interview at the Kosovar Center for Security Studies (KCSS), Pristina, 6 September 2016.

various campaigns may also increase citizen's awareness on SAA, whose knowledge at the moment is assessed as scarce.²³

Currently, Kosovo faces a number of challenges toward EU integration process, ranging from lack of transparency by governmental actors, lack of independent judiciary and political interference in the judicial process, corruption and weak economy, etc. In this respect, CSOs can help tackle some of these issues, hence speed up the EU integration process. Nonetheless, the existing research reports on the cooperation between the institutional actors and CSOs in Kosovo note that the collaboration remains ad hoc; and participation of CSOs in drafting public policies/strategies and the monitoring activities of CSOs on institutional actors is rather unsatisfactory.²⁴

2.4 Mechanisms of the Cooperation between Civil Society Organizations and Governmental Actors

Currently, there are several mechanisms that regulate the cooperation between CSOs and Kosovo government in the matters of European integration process. One of the most important mechanisms is National Council for European Integration. This council was established by former president of Kosovo Ms. Atifete Jahjaga in 2012. The National Council for European Integration functioned as a consultative and coordinating mechanism among different stakeholders for setting national policies on European Integration process. This mechanism, though, is no longer functional since the election of the new president of Kosovo.²⁵

Parliamentary Committee for the European Integration is another mechanism that monitors the process of harmonization of the Kosovo legal system with the legal system of the European Union. Among other activities, this committee invites CSOs to participate in open meetings where they have the opportunity to oversee the work of this committee in

²³ Interview at GIZ Kosovo, Pristina, 19 July 2016.

²⁴ Curri, F., Milutinović, B., Nesović, B. and Osmani, N. (2014) *Kosovo*. In: Zornaczuk, T. (Eds) *Civil Society in the EU Integration of the Western Balkans*. Warszawa: Polski Instytut Spraw Międzynarodowych.

²⁵ Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016.

relation to the approximation of Kosovo's legislation with EU *acquis*. Furthermore, the Committee has signed some cooperation memorandums with some specialized CSOs and some of them have already been contracted to provide their expertise for the Committee.²⁶

Kosovo's governmental representatives interviewed for this study have argued that there is no need to establish additional mechanisms for cooperation between CSOs and Kosovo government on European Integration matters. The Kosovo government uses existing mechanisms and practically, the cooperation between the government and CSOs is structured in two ways.

First, CSOs are consulted by Kosovo government during the preparation of all normative acts.

Second, every year CSOs are consulted when setting sector priorities or specific projects in relation to the financial assistance that EU offers to Kosovo. The financial assistance by the EU is offered through Instrument for Pre-Accession Assistance Program (IPA) with the objective of supporting Kosovo in approximation of its institutions and economy with the standards and policies of the European Union.²⁷

In efforts to build a long-term partnership for an active and coordinated commitment of the CSOs, the Government of Kosovo in 2007 for the first time signed a Memorandum of Understanding with CSOs (represented by CiviKos platform). CiviKos platform is an initiative of CSOs aiming to establish a fruitful and formal environment for partnership between CSOs and governmental actors. In 2013, as a way to strengthen and channel the cooperation between the CSOs (represented by CiviKos platform) and the government of Kosovo, Office of Prime Minister/Office on Good Governance has developed the Government Strategy for cooperation with Civil Society 2013-2017. This strategy contains four strategic objectives:

1. Ensure strong participation of civil society in drafting and implementation of policies and legislation;

²⁶ For more functions about Parliamentary Committee for the European Integration, visit: <http://www.mei-ks.net/en/parliamentary-committee-for-european-integration> (accessed on: 13/09/2016).

²⁷ Interview at the Ministry of European Integration (MIE), Pristina, 2 August 2016.

2. System of contracting public services to civil society organizations;
3. Building system and defined criteria to support financially the CSOs; and
4. Promoting an integrated approach to volunteering development.

This strategy is effective for five years in the time frame 2013-2017. In order to ensure civil society participation in drafting policy recommendation and legislation, the government of Kosovo has approved the Rules of Procedure of the Government of Kosovo (Decision no. 04/34). Based on this regulation, the government of Kosovo has required from all of its subordinated institutions to publish the content of their proposal for public comment for all policies and laws and will specifically seek comments from non-governmental organizations which significantly are affected by the proposal.²⁸

Even though the legal framework has improved the initiatives to cooperate in drafting policies and laws, a successful implementation of such regulations is still lacking. For example, in 2015 from the total of 80 draft laws approved by the Government, only 21 draft laws were sent for public consultation in CiviKos platform.²⁹ On the other hand, there was also low participation of CSOs during public consultation sessions. The low participation may have occurred due to lack of expertise or human resources, lack of information on how to give the contribution and lack of incorporation of CSOs' comments in the final version of the documents.³⁰ This has been also confirmed by a study which noted that CSOs in Kosovo compared to those in the region have less knowledge of current structures and mechanisms for dialogue and cooperation with local and central institutions.³¹

In order to improve the cooperation between CSOs and governmental actors on public consultation process, a Memorandum of Understanding (19/07/2016) between Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues within the Office of the prime minister of the Republic of Kosovo and the Kosovar Civil Society Foundation

²⁸ See footnote 14.

²⁹ Kryeziu, D. (2016) *Public Consultation with CiviKos Civil Society Organizations during 2015*. Available at: http://www.civikos.net/repository/docs/Raport_Permbledhes-Konsultimi_publik_247855.pdf (accessed on: 13/09/2016).

³⁰ Interview at GIZ Kosovo, Pristina, 19 July 2016.

³¹ International Swedish Institute for public administration (2014) *Civil society organizations in Kosovo*. Available at: http://www.tacso.org/doc/ipsos_report_ko.pdf (accessed on: 13/09/2016).

(KCSF) was signed. The aim of this memorandum is linked with an agreement between the two parties to design and implement capacity building programs for civil servants on public consultation process. The capacity building programs can improve the capabilities of public servants to act as liaison contacts with CSOs. And, as a result it can help increase sharing of more legislative documents, increase sharing of legislative documents in early stages of formulation and increase incorporation of CSOs' comments in documents released by the government for public consultation.

As a summary, there are several mechanisms that guide the cooperation between CSOs and governmental actors. In order to strengthen the cooperation, Kosovo government in cooperation with CSOs (represented by CiviKos platform) has developed Government Strategy for cooperation with Civil Society 2013-2017. Although the cooperation between the two actors is guided by several mechanisms, the cooperation must be applied into practical terms. For instance, issues related to public consultation processes between the two actors as described above must be addressed.

2.5 The Quality of the Cooperation between Civil Society Organizations and National Institutions in Kosovo

A substantial majority of the interviewees of this study claim that the quality of the cooperation between CSOs and governmental institutions is not optimal.³² When assessing the quality of cooperation, most of the respondents pointed out challenges related to certain activities. It is worth mentioning that these challenges are not unique to Kosovo context. Similar challenges have also been found in other Western Balkan countries.³³

This section clusters challenges based on four categories: (1) public consultation sessions on drafting documents/strategies; (2) awareness raising activities for SAA and EU

³² Interview at the Levizja FOL, Pristina, 24 August 2016; Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016.

³³ See Żornaczuk, T. (2014) *Civil Society in the EU Integration of the Western Balkans*, Warszawa: Polski Instytut Spraw Międzynarodowych.

integration processes; (3) monitoring of SAA implementation and EU integration processes; and (4) other challenges related to civil society sector.

I. Public consultation sessions for drafting the documents/strategies related to EU integration processes is one of the key activities that requires the cooperation between the governmental actors and CSOs. Findings from this study reveal that there are several obstacles that affect negatively quality of cooperation between the government and CSOs. *First*, there is lack of transparency and openness to cooperate with CSOs. In this context, the government rarely organizes public consultation sessions for drafting the documents/strategies. *Second*, even when consultation sessions are organized, there are limited deadlines for providing feedback/input on documents. As such, CSOs often are not able to contribute substantially to the drafts. The other obstacle is that, sometimes, even when the feedback/input is provided by CSOs, governmental representatives very often do not incorporate this feedback into the final version of the document. Therefore, as a way to increase the quality of cooperation, it would be beneficial for the government to organize regular consultation sessions with CSOs. Furthermore, in order to increase transparency and openness toward CSOs, it would be beneficial for the government to share the documents/strategies on timely manner and incorporate feedback/input into the final versions. It would be even more beneficial for the government to provide reasons toward CSOs in case of not incorporating their feedback/input into the final version of the document/strategy.

II. Awareness raising activities on SAA agreement and EU integration processes is another area that requires cooperation between CSOs and governmental actors. One of the key obstacles that affect the quality of cooperation is lack of sharing the information by governmental representatives about SAA process with the main stakeholders and other actors involved directly in the implementation process.³⁴ Some CSOs through various campaigns and activities already work on increasing awareness regarding EU integration process and SAA content. On the other side, governmental representatives interviewed in this study believe that CSOs could even

³⁴ Interview at the Kosovar Center for Security Studies (KCSS), Pristina, 6 September 2016.

be more efficient in disseminating the information to the public. It is generally believed that this task can be outsourced to them.³⁵ Therefore, in order to increase the quality of cooperation in this respect, it is crucial for the governmental actors to invite and engage CSOs in developing “increase awareness” campaigns for the public.

Organizing “increase awareness” campaigns and public discussions related to EU integration processes may increase readiness among public opinion for the EU reform agenda. It is widely believed that there is a lack of awareness on understanding the content related to SAA among the citizens in Kosovo. For instance, it is very important for business community to understand the SAA process because it will have direct implications for their work and ability to compete in the European market. Business community will have to adopt new standards in terms of product quality.³⁶ Or, farmers will have to adjust to European regulations which will affect their daily work.³⁷ For these reasons, it is crucial to organize “increase awareness” campaigns and public discussions on SAA content, so that specific target groups come to understand and get prepared for the upcoming changes.³⁸ In sum, citizens should be well-versed in EU integration processes and be willing to take an active role in pushing forward the reform agenda needed for SAA implementation.

III. Monitoring the SAA agreement implementation and the performance of governmental actors toward EU integration processes in general, is another area that requires cooperation between CSOs and the governmental actors. Monitoring the implementation of the EU reforms is considered one of the crucial activities of CSOs toward EU integration processes. So far, only few CSOs exercise this role, and that is limited to only some aspects of the SAA. Those CSOs have evidently contributed in enhancing transparency and accountability of public authorities in

³⁵ Interview at the Ministry of European Integration (MIE), Pristina, 18 July 2016.

³⁶ Interview at the CiviKos, Pristina, 25 July 2016.

³⁷ Interview at the Ministry of European Integration (MIE), Pristina, 18 July 2016.

³⁸ Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016.

certain areas, such as that in judicial system³⁹ and minority rights. That, however, leaves space for CSOs to extend their role and activities in other areas related to SAA.

In order to establish a healthy and meaningful partnership between the government and CSOs in the EU integration process, it is crucial to share responsibility in policy making and implementation, raising awareness and monitoring of implementation of SAA. Hence, it is important to reflect and tackle **other challenges** that affect the quality of cooperation between CSOs and governmental actors. There are four challenges that have been clustered under this category (**other challenges**), which all concern only the CSO sector.

IV. Financial sustainability is one of the challenges that hamper the role of CSOs toward EU integration process. Due to lack of financial sustainability, CSOs are inclined to adjust priorities and organization goals based on grant requirements.⁴⁰ Likewise, government's funds are limited and distributed based on no well-defined eligibility criteria.⁴¹ Due to limited funds, CSOs very often find it difficult to assign employees who closely follow and get updated with the ongoing developments in EU integration process (either from the Ministry of European Integration in Kosovo or the respective offices of European Commission).⁴² As such, important developments related to EU integration processes may not be absorbed and reflected upon. Therefore, securing sufficient funds for long-term projects may facilitate and overcome this obstacle. Hence, ensuring financial sustainability will strengthen the role of CSOs and increase the quality of cooperation with governmental actors.

IV.1. Profiling of the CSOs or specialization in certain sectors is an issue closely related to the former challenge. Our findings reveal that only few CSOs are specialized in certain sectors related to EU integration processes and focused in

³⁹ Dreisbach, T. (2014) *An eye on justice: monitoring Kosovo's courts, 2008–2014*. Available at: https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/TD_CitizenMonitoring_Kosovo.pdf (accessed on: 13/09/2016).

⁴⁰ Interview at GIZ Kosovo, Pristina, 19 July 2016; Interview at the D4D, Pristina, 3 August 2016.

⁴¹ Interview at GIZ Kosovo, Pristina, 19 July 2016.

⁴² Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016

pursuing their goals.⁴³ The work of CSOs toward EU integration processes is usually concentrated in sectors, such as human rights and rule of law, and less concentrated in other sectors, such as environmental protection and economy.⁴⁴ Due to lack of profiling, CSOs in Kosovo switch their commitment between several sectors. As a result, they are not able to create credible and long term partnerships with relevant domestic and international institutions. In order to overcome this obstacle, CSOs may benefit by developing expertise in certain EU related sectors. CSOs may benefit even more by concentrating in less popular EU sectors in Kosovo, such as environmental protection, economy, etc.

IV.2. Capacity building within civil society is another challenge identified during the interviewing process. For instance, a considerable number of CSOs are still uninformed about the mechanisms for cooperation with governmental actors in SAA implementation – such as using opportunities to participate in public consultations.⁴⁵ In order to develop internal resources, CSO staff must be trained on certain specific areas, such as formulating specific project proposals, policy making skills, research skills, negotiating skills and providing feedback during public consultations with the governmental actors.⁴⁶

IV.3. Networks among CSOs in Kosovo are another challenge revealed by study participants. Currently, CiviKos is a popular format for Kosovan CSOs to come together and to get involved. It serves as a platform for cooperation between CSOs and the governmental actors. However, it is important to expand the current network and include other CSOs.⁴⁷ Besides expanding the network, CSOs should participate more actively in the network in order to increase its effectiveness.

⁴³ Interview at GIZ Kosovo, Pristina, 19 July 2016; Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016.

⁴⁴ Interview at the Kosovar Civil Society Foundation (KCSF), Pristina, 21 July 2016; Interview at the CiviKos, Pristina, 25 July 2016; Interview at the Ministry of European Integration (MIE), Pristina, 2 August 2016.

⁴⁵ Interview at the Kosovar Center for Security Studies (KCSS), Pristina, 6 September 2016.

⁴⁶ Interview at the Ministry of European Integration (MIE), Pristina, 2 August 2016.

⁴⁷ Interview at the Balkans Group, Pristina, 29 July 2016.

Through expanding, CSOs could jointly organize activities (e.g., research) that would yield more valuable contribution toward EU integration processes.⁴⁸

3. The role of Civil Society Organizations in European Integration Processes in the Western Balkans: Lessons from Croatia

It may be particularly useful to explore the experiences of cooperation between government and CSOs in other countries that have recently joined European Union, in order to infer positive examples in strengthening the role of CSOs in Kosovo and their involvement in European Integration process. For this purpose, the involvement of CSOs in accession process in Croatia will be analyzed.

Formal negotiations between the European Union and Croatia began on October 2005. Republic of Croatia officially joined the EU on 1 July 2013. The entire process of joining the EU for the Republic of Croatia has taken almost a decade. In the course of accession process, Republic of Croatia established three key documents that guided the cooperation between the government and civil society sector. These documents are shortly described below:

- ❖ National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016. This strategy served as guidance to improve the legal, financial and institutional supporting system for CSOs as important factors for the socioeconomic development of the Republic of Croatia, as well as for important stakeholders in the implementation of EU policies.
- ❖ Code of Good Practice and Standards for the Financing of Programmes of Civil Society Organizations out of State and Local Budgets (2007). This document regulated the basic standards and principles of practice of state administrative bodies and offices in the procedure of awarding grants from the State budget to CSOs

⁴⁸Interview at the Parliamentary Committee for Stabilization and Association, Kosovo – EU, Pristina, 16 August 2016.

for implementation of their programmes and projects that are of special interest for general/public good in the Republic of Croatia.

- ❖ Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts (2009). This document provided guidelines for efficient consultation of state bodies and interested public in procedures of adopting laws and other regulations and acts, as well as existing practice of consultations that already exist in some bodies of state administration.

The Government of Croatia on the course of negotiation process established working groups according to negotiating chapters. Most of the working groups consisted of representatives from different institutions, organizations, business actors, trade unions etc. About 1,500 people have been involved in activities of 35 working groups in the Republic of Croatia.⁴⁹

However, the extensive involvement of CSOs wasn't equally respected in different working groups. For instance, working groups 23 and 24 which tackled matters of human rights, return of refugees, war crime and corruption initially consisted of governmental and respective court representatives. Having noticed that representatives of various associations and experts with particular knowledge on such matters were excluded, CSOs in Croatia formed an ad-hoc NGO coalition for monitoring negotiations on chapter 23. The primary aim of this coalition was to publish monitoring reports on negotiations and create a list of requirements for Croatian government and Brussels that would be part of chapter 23. In essence, what initially started as an ad hoc coalition, very soon was transformed into Platform 112 - established by 69 CSOs working on protection and promotion of human rights and rule of law. As a result of advocacy activities toward Croatian Government and Brussels, Platform 112 managed to extend the chapter 23 by indicating new issues that were included only after the active involvement of the Platform 112. The main reasons for

⁴⁹ Đokić, I. and Sumpor, M. (2013) *The role of Croatian Civil Society Organizations In the European Union Accession Process*. Available at: <http://www.tacso.org/doc/Role%20of%20Croatian%20CSOs%20in%20EU%20Accession%20process-final.pdf> (accessed on: 13/09/2016).

such a success were attributed to the creation of network and coordination of activities among CSOs.⁵⁰

On the other hand, Ministry of Regional Development in the Republic of Croatia serves as a good example that illustrates the involvement of CSOs. During the EU accession process, Ministry for Regional Development was responsible for drafting EU related strategic documents. In order to draft EU strategic documents, the Ministry formed thematic working groups which consisted of various ministerial and institutional representatives. All working groups which were coordinated by the mentioned ministry involved representatives from various CSOs. The cooperation between the ministry and civil society was acknowledged and noted in the report of European Commission (2012) progress report as a good practice that should continue and expand into other realms.⁵¹

The active role of CSOs in the Republic of Croatia during the EU accession process was also reported in the European Commission Progress Report.⁵² Nevertheless, in an extensive report Škrabalo (2012) outlined a number of obstacles faced by CSOs in Croatia during the EU accession process.⁵³ Three obstacles summarized below may also be relevant for the context of Kosovo:

- ❖ Lack of public disclosure during the negotiations on part of European Commission as well as Croatian government. As a result, CSOs could not add significant value on the negotiation parties.
- ❖ Transparency regarding the information on negotiations was kept out of public reach. But after several years of pressure by CSOs, the government of the Republic of

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² European Commission (2011) *Croatia 2011 Progress Report*. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/hr_rapport_2011_en.pdf (accessed on: 13/09/2016).

⁵³ Škrabalo, M. (2012) *Transparency in retrospect: preliminary lessons from Croatia's EU accession process*. Available at: <http://www.franziska-brantner.eu/wp-content/uploads/2012/11/Transparency-in-retrospect.pdf> (accessed on: 13/09/2016).

Croatia started publishing some documents discussed during the negotiation sessions. Platform 112 is a prime example that illustrates the positive effects as a result of pressure exercised to the Croatian government.

- ❖ Another barrier of CSOs was related to the urgency and magnitude of legislative adjustments to the *acquis*. Due to overload and urgency of adopting the legislations, CSOs very often were not able to participate substantially in the policy formation. For purposes of illustration, Škrabalo notes that during the peak of negotiation period 2007-2011, 87% of the laws were subjected to urgent procedures.

Bearing in mind the obstacles faced by CSOs in the Republic of Croatia toward EU accession process, various studies have reported a number of recommendations for strengthening and enhancing the role of CSOs. The following recommendations for Croatian CSOs summarized below have been derived from an authoritative study.⁵⁴ These recommendations may also be relevant for the context of Kosovo.

- ❖ Identify new pressure models toward governmental bodies, such as close monitoring and regular reporting of the governments work in relation to EU accession process. Keep domestic and international public informed on any positive shifts or setbacks related to EU negotiation process.
- ❖ Create necessary changes within the organization such as profiling in specific topics or thematic areas. This is necessary if CSOs want to be acknowledged as credible organization among the public opinion and governmental institutions.
- ❖ Invest in creation of cooperation and partnerships with other CSOs, local and central governmental bodies. The example of Platform 112 illustrates the benefits of creating a network of CSOs and positive effects that may be yielded upon exercising pressure on the government

⁵⁴ See footnote 49.

- ❖ Develop capacities on public policy advocacy, analysis and reporting

It should be noted that the experiences from the case of Croatia illustrate how CSOs by networking and advocacy activities turned into significant actors and opinion makers toward the EU accession process. Additionally, the EU accession process has significantly strengthened the Croatian CSOs position in relation to the state institutions. Despite the challenges faced by CSOs, it has resulted in creating partnerships between various CSOs (i.e., nurtured mutual trust), but also improved the relationship between CSOs and the governmental actors.⁵⁵ Finally, the case of Croatia clearly illustrates the need to actively involve all relevant actors in the EU accession process in a timely manner.

To put it shortly, based on the experience of CSOs in the Republic of Croatia, CSOs in Kosovo should **(i)** *create an effective network which would serve as platform for coordinating CSO activities*. CSOs in Kosovo should **(ii)** *conduct monitoring activities and closely follow the agreements between the government of Kosovo and EU and its progress in implementing the agreements*. In case of non-transparency regarding the agreements, the case of the Republic of Croatia shows that **(iii)** *advocacy and lobbying activities of CSOs should be directed toward both the governmental actors and the respective EU actors*.

4. Conclusions and Recommendations

Kosovo's path in the European integration process is a complex process through which EU values, norms and policy concerns are diffused within Kosovo's polity, whilst the SAA is the first instrument that aims to profoundly reform the political and economic functioning of Kosovo. One of the salient elements of the EU integration process is the demand for increasing the cooperation between CSOs and the governmental actors. In modern democracies, good cooperation between CSOs and the governmental actors has shown to

⁵⁵ Ibid.

increase citizens' freedoms, reduce state corruption and establish greater government effectiveness.⁵⁶

Despite their growing importance, CSOs in Kosovo remain partially integrated in the SAA implementation and EU integration processes. At this stage, the government provides the foundation for continuous and structured cooperation with CSOs in several domains, such as policy analysis and advocacy, monitoring of government's implementation of SAA and in raising awareness regarding the EU integration processes and SAA in the wider public. Nonetheless, creating the mechanisms for cooperation between CSOs and the governmental actors does not necessarily entail a quality interaction – unless it is underpinned by a culture of cooperation existing in both sides.⁵⁷ In order to increase the cooperation, it is necessary to genuinely engage CSOs in the whole process of EU integration, by being transparent and open to dialogue. Another significant component is to ensure the continuity of the relation, in order to warrant to the civil society organizations a full and proactive role in the process. The CSOs must work on enhancing their relevant expertise in certain EU integration related topics so that they can participate more fully in public consulting or monitoring of the governmental bodies' performance. Furthermore, the CSOs must use the accession process as a platform for establishing itself as a prominent partner and create long-lasting relation with the government.⁵⁸ This process is of pivotal importance given that a productive cooperation can accelerate the reforming agenda of Kosovo toward EU integration processes.

Therefore, based on the interviews conducted for this study with relevant stakeholders and experience of CSOs from Croatia, this report outlines the recommendations around two complementary categories: (i) the first category of recommendations concern's Kosovo's institutions (mainly Kosovo government); and (ii) the second category concerns the CSOs so that it enhances its role toward EU integration processes. In the sections below, are

⁵⁶ Boštic, V. A. (2011) Analysing EU's Civil Society Development in Bosnia and Herzegovina *Journal on European Perspectives of the Western Balkans*, Vol. 3 No. 4, pp 91-113.

⁵⁷ See footnote 21.

⁵⁸ Elek, B., Ubović, L. and Żornaczuk, T. (2015) *Civil Society Networks in the EU Integration of Serbia*. Policy paper, 8 (110), 1-7. Available at: https://www.pism.pl/files/?id_plik=19609 (accessed on: 13/09/2016).

elaborated the recommendations to CSOs and Kosovo Government (in particular to the Ministry of European Integration in Kosovo) focused on EU integration processes.

4.1. Recommendations to the Government of Kosovo

In order to strengthen and increase the cooperation with CSOs, the following recommendations can be useful for Kosovo government:

- ❖ Work on establishing better relations with CSOs. More concretely, ensure the full implementation of the Government Strategy for cooperation with Civil Society 2013-2017. In this respect, it would be advisable to train a number of staff on understanding the role and importance of civil society toward EU integration processes;
- ❖ Proactively involve CSOs in decision-making processes regarding European Integration. In particular, involve CSOs in the development and harmonization of strategic documents, such as national development plans;
- ❖ Organize consultative meetings with groups of CSOs, such as when drafting laws or other strategic documents for EU-Kosovo integration processes. We emphasize the need of timely and meaningful involvement of CSOs representatives. This will enable CSO representatives to provide their input and discuss different ideas in early stages of drafting legislative documents;
- ❖ Extend the invitation to a substantial number of CSOs for public consultation meetings and encourage their inclusion in implementing and monitoring the SAA;
- ❖ Closely related to the above mentioned recommendation, expand the cooperation by including more CSOs, so that various community interests are represented. Opportunities for inclusion of CSOs can be promoted through informative meetings, web sites and media;

- ❖ Increase the transparency and accountability of governmental institutions by timely publishing relevant documents, in order to enable CSOs to monitor and deliver their input. For instance, governmental actors can use the CiviKos platform to publish all relevant documents and require the CSOs feedback;
- ❖ Engage in active dialogue with CSOs in matters of public consultations. More specifically, argue the reasons of not incorporating the inputs provided by the CSO representatives;
- ❖ Introduce effective measures to protect the right of CSOs access to information. For instance, it may be useful to design and implement training programs for civil servants on public consultation in policy making and law drafting processes. Another mechanism is to apply foreseen legal sanctions to civil servant who refuse access to official information;
- ❖ Provide and ensure fair distribution of financial means and support for CSOs in projects that enhance the reform agenda, such as projects related to raising public awareness of SAA. In doing so, it is important to design clear and relevant criteria for the grant application process. Moreover, organize an independent committee who would fairly evaluate applications by CSOs and publish the results;
- ❖ Provide technical assistance to CSOs in strengthening CSOs' competencies to provide services (advocacy, government oversight, service delivery). It is very important to support CSOs in launching projects that would cover sectors of SAA that are currently not covered;
- ❖ Create channels for informing the wider public (e.g., businesses or general public) on matters of SAA. For example, through opening an office or telephone line where interested citizens would inquire the needed information. Or the other way is through outsourcing this task to CSOs.

4.2. Recommendations to Civil Society Organizations

In order to enhance its role toward EU integration processes and strengthen the quality of cooperation with Kosovo government, the following recommendations can be useful for CSOs:

- ❖ Participate in public consultation meetings with governmental institutions. Provide concrete and constructive proposals for governmental institutions on policy making or other processes in relation to SAA implementation. Participating in public consultation meetings would make CSOs more active actors in monitoring the implementation of SAA;
- ❖ Provide input/recommendations to the policy proposals/strategies, even if you are not invited to do so, given that such practice can enhance the trust in CSOs and strengthen the position of CSOs as important partners in the process;
- ❖ Require transparency and accountability from governmental actors (local and central institutions). One way to do this is by requiring access to relevant documents and participation in meetings. Another way would be by publishing reports and demanding accountability from the responsible actors that have not progressed in the EU agenda;
- ❖ Establish networks and cooperate more actively with CSOs of the same profile. Establishing networks would enable you to share practices, experiences and coordinate joint approaches with the aim to facilitate Kosovo's path to EU;
- ❖ Organize activities to monitor the performance of domestic institutions. Monitoring activities may influence the quality of relations and negotiation process with EU, but also improve the communication with the governmental actors and enhance the transparency of the government;

- ❖ Establish long-term goals and focus more specifically on thematic chapters of SAA implementation process. Develop internal capacities by participating in trainings such as formulating specific project proposals, policy making skills, research skills, negotiating skills and providing feedback during public consultations with the governmental actors;
- ❖ Develop expertise in certain areas, such as human rights, environmental policy, justice, etc. By developing expertise, CSOs would be able cooperate more meaningfully with the government and assist them toward EU integration processes;
- ❖ Closely follow the experiences of neighboring countries toward EU integration processes. This would enable CSOs to thoroughly analyze and compare the experiences of the Kosovo government in the EU accession process;
- ❖ Organize public events and debates with specific target groups on SAA and European integration matters. These activities would increase citizen participation on EU integration processes.

5. Annex

Questionnaire

Background questions

Name and Surname: _____

Organization: _____

Civil Society – current situation

- Broadly speaking, how do you see the role of the civil society organizations in the EU integration process/SAA implementation process?
- In what ways civil society participate in the EU integration process/SAA implementation process?
- What is the intensity and quality of participation of the civil society in the EU integration process/SAA implementation process?
- What are the current mechanisms through which government and civil society interact in the EU integration process/SAA implementation process?
- What are the main challenges faced by civil society that limit its role in the EU integration process/SAA implementation process?
- What do you think is the public attitudes related to the European integration process? Do they fully understand what EU membership would imply?

Civil Society – improving the role

- Is civil society using opportunities created by the integration process in the EU?

- What can the government do more in order to enhance the role of the civil society/citizens in the EU integration process/SAA implementation process? Is there any concrete plan?
- What can civil society do more in order to enhance its role in the EU integration process/SAA implementation process?
- How can EU actors influence the involvement of civil society in the EU integration process?
- How can citizen get an active role in the EU integration process? Is the civil society providing such an opportunity for the public?

Civil Society – recommendations

- What would be your three main recommendations for civil society organizations in order to overcome the challenges and enhance its role in the EU integration process/SAA implementation process?
- What would be your three main recommendations for government to enhance the role of civil society in the EU integration process/SAA implementation process?
- Do you mind if we quote/paraphrase you within the study with your full name or simply with your institutional affiliation?