

OCCASIONAL POLICY PAPER

NOVEMBER /2015



ALBANIAN CSO INVOLVEMENT AT EU ACCESSION NEGOTIATIONS

Best Practices from Previous Accession

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This project is funded by the European Union,
through the EU Instrument for Pre-accession
Assistance (IPA) Civil Society Facility (CSF)

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A PROJECT OF THE GERMAN MARSHALL FUND

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ALBANIAN CSO INVOLVEMENT AT EU ACCESSION NEGOTIATIONS

Best Practices from Previous Accession

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Tirana, November 2015

This publication has been produced with the assistance of the European Union and BTĐ, through the Balkan Public Policy Fund within the BCSDN “IPA Balkan CS Acquis: Strengthening the Advocacy and Monitoring Potential and Capacities of CSOs” project. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Union, BTĐ, BCSDN or IDM

Albanian CSO involvement at EU Accession Negotiations

1. Introduction

Albania is an EU candidate country, preparing to start Accession Negotiations with the European Union. This makes the issue of civil society contribution and representation at the accession process relevant and a major issue. Although, there is strong civic support for EU integration, their involvement in the process is insignificant. The current framework for accession negotiations is greatly limited by its nature of focusing on the dynamics of adaptation and implementation of the *acquis*, including transitional periods and prolongations and the monitoring of the fulfilment of the obligations under certain chapters. Furthermore, knowledge of the process, expertise and trust on institutions is missing.

In Albania, the debate in terms of civil society involvement in the EU integration process has been intensified in the last few years. There has been some research on the topic, discussing the involvement of the Albanian CSOs in the EU accession process and its institutional framework.¹

Institutional preconditions and legally-binding involvement of CSOs in the EU negotiations process have been consulted and drafted. A National Council for Civil Society is expected to become operational in 2015, as its legal basis proposed by the CSOs sector has been discussed at expert level by various public institutions and representatives of the sector.² This National Council for Civil Society will, amongst other things, support the strong involvement of the CSOs in the European Integration process. The Albanian Parliament has drafted a manual of public participation in the decision making process and a draft law on the establishment and functioning of the National Council for Civil Society has been consulted with organizations and other actors of the civil society, both aimed at transparency and involvement in the negotiation process. Furthermore, formal initiatives on access to information³ and public consultation have already been adopted. Yet, despite the formal format, the

¹ See: Jano, Dorian (2012) “‘Latent’ Interest Groups Involvement in Coping with the Challenges of EU Accession: The Case of Albania”, Institute for Democracy and Mediation, Tirana; EMA (2014) “EU accession negotiations institutional frame for Albania: In quest of efficiency and multi-actor involvement”, Policy Paper, July, European Movement Albania; Gjipali, Gledis; Blerita Hoxha and Geron Kamberi (2014) “Albania” in Tomasz Żornaczuk (ed.) *Civil Society in the EU Integration of the Western Balkans*, Polski Instytut Spraw Międzynarodowych, Warsaw.

² Consultative meeting with representatives of CSO in Albania, and other public meetings of the Strategic Planning Unit, as a coordinating unit, and the members of the Technical Working Group (TWG) have been carried. See: <http://www.amshc.gov.al/>

³ Law No. 8053, dated 30 July 1999, on freedom of access to public documents, Official Journal No. 22, Year 1999, Page 739.

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proper implementation and meaningful engagement is a challenge. Mechanisms of guarantying the effective and qualitative application of these formal measures, as well as of setting precise criteria for the selection of civil society representation in the negotiating process are therefore more important. What is more, civil society is under-represented and more vulnerable, because of its comparative disadvantage with strong interest groups (the various industry and business sectors) who not only possess better resources and capacities to be involved in strategic reforms of EU accession process but are also more privileged and preferred by EU institutions to establish intensive contacts and close cooperation.⁴

In the proposed Guidelines for EU support to civil society in enlargement countries, 2014-2020

it is finally recommended that the evolving good practices of Civil Society involvement in negotiation process need to be continuously reported, discussed and reflected upon in order to keep this truly important societal learning process in motion...(European Commission, 2013)

Thus, we focus mainly on the Croatian “New Model” of Civil Society engagement in EU accession negotiation and consult on the advantages and disadvantages and how this model has been applied in other countries of the region that have started accession negotiation (such as Montenegro and Serbia). Croatia presents the most innovative and successful model of institutionalized CSO-government cooperation; it is part of a decentralized model that builds up a coherent institutional and legal framework for cross-sector cooperation and funding of CSOs and for direct communication between various Ministries and CSOs; proved to be a vibrant process adjusted as needed, equipped with diverse human and financial capacities (workforce is relatively large, nearly 20 people) focusing on strategic areas to maximize the impact of the financial support (supports less – around 200 - CSOs with relatively higher amounts).⁵ Furthermore, one of the advantages of the Croatian Negotiation Framework was the wide negotiation approach and structure with participation of all areas of Croatian society in almost all the Working Groups on the individual policy field (chapter

⁴ See: Jano 2012; and Pérez-Solórzano Borragán, Nieves (2004) “EU Accession and Interest Politics in Central and Eastern Europe”, *Perspectives on European Politics and Society*, 5(2), p. 245.

⁵ See: Gerasimova, Maria (2005) “The Liaison Office as a Tool for Successful NGO-Government Cooperation: An Overview of the Central and Eastern European and Baltic Countries’ Experiences” *International Journal of Not-for-Profit Law*, 7(3), pp. 17-18; and ICNL (no date) Models to Promote Cooperation between Civil Society and Public Authorities, p.11. Available at <http://www.icnl.org>

including independent experts, representatives of professional organisations, the academic community, trade unions and the business sector.⁶

Considering the complexity of the EU integration process, it is crucial to have a general consensus on the most important issues. Judging from the experience of previous candidate countries, most countries engaged experts from outside public administration in their working groups for preparation of negotiations; e.g. in Croatia, one third of the 1,800 experts come mostly from business and academia, and few from the trade unions and civil society organizations.⁷ In Montenegro, CSO representatives are included in each of the 33 negotiating working groups, making 381 out of 1,257 persons engaged in the negotiation working groups.⁸

Studies shows that obstacles of effective CSO-government cooperation are quite similar in all acceding countries and that the CSO experienced a number of barriers to meaningful participation in the accession process such as:

*being small or local CSO and lack of cooperation/networking; non-existence of specialized knowledge and connections with expert organizations and institutions in certain fields; insufficient understanding of the process and unknown or unclear “rules of the game”; informal policy of confidentiality and legislative weakness on freedom of information; urgent/overloaded legislative procedure and limited public consultations; limited and inadequate state agencies and communication strategy on EU accession, inexperience in cross-sectoral communication; politicization of the society and insufficient mutual trust CSO - State institutions; determining who has authority to represent CSOs.*⁹

⁶ Lazarević, Milena; Andrej Engelman; Malinka Ristevska-Jordanova; Jovana Marović (2014) “Coordination Requirements and Institutional Set-up in the EU Accession Process and Negotiations”, Background Paper for the Regional Workshop of the Network of EU Integration Offices in South East Europe, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Bonn, p. 20.

⁷ Škrabalo, Marina (2012) “Transparency in retrospect: preliminary lessons from Croatia's EU accession process, Discussion paper commissioned by the Greens / EFA in the European Parliament, GONG Research Centre, Zagreb, November 8, p. 4.

⁸ Data from the Presentation of the Ambassador Aleksandar Andrija Pejovic, Chief Negotiator, at the round table “Effects of Croatia’s accession to the EU”, in Podgorica, on 13 May 2013, p.7. Available at: <http://www.mvpei.gov.me/vijesti/128845/Prezentacija-ambasadora-Pejovica-sa-okruglog-stola-Efektihrvatskog-pristupa-EU.html>

⁹ See: Gerasimova 2005; Škrabalo 2012; and Bobic, Maja and Bozic, Relja (2012) “Civil society in the European integration process – from constructive dialogue to successful negotiations”, European Movement in Serbia, p.5-6. For a more detailed and comprehensive assessment of civil society in Albania and the relevant working environment see: TACSO (2013) Albania: Needs Assessment Report (Final) Tirana, Technical Assistance for Civil Society Organizations in the IPA Countries TACSO EuropeAid/127427/C/SER/Multi/5.

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Yet, meaningful involvement of the CSO on EU accession process is very significant, especially in smaller countries since it ensures the necessary expertise and increases human resources in matters related to EU as well as providing more democratic legitimacy to the process providing on-time and clear information and support on reforms, commitments and conditions for EU membership to the broader public.¹⁰

2. CSO Engagement in EU Accession Negotiation

2.1. *WHY CSO involvement?*

Considering the fact that accession negotiations are a crucial phase of the accession process, it is of great importance that civil society is actively included. For EU officials, civil society organizations represent an important, independent source of information and recommendations, while they can also provide supervision of country-specific politically challenging areas.¹¹ On the other hand, the EU ensures greater effectiveness and legitimacy of the EU accession process through domestic interest groups' involvement.¹² Furthermore, the process of EU accession itself has shaped domestic interest groups' representation and advocacy. During pre-accession, EU empowers non-state actors through its particular incentives of EU financial aid, EU-induced policy reforms, and EU-transnational networks, paving the way for established actors' involvement in multilevel governance.

Accession negotiations pose a dilemma from the perspective of the acceding country with regards to the trade-off between 'quick accession' and 'democratic representation'. For instance, increasing democratic participation through inclusion of civil society actors in the negotiation structure may affect the integration speed as consensus and coordination becomes complex. At the same time, government desire for accession to the EU within a shorter period of time ignores citizens' preferences and puts more stress and strains on them through far-reaching reforms.¹³ Although

¹⁰ Bobic and Bozic 2012, p.15; also, Regional Cooperation Council (2014), "South East European civil society finding their way to EU accession negotiations", Newsletter 24/2012 - Our South East Europe.

¹¹ Drakić, Ivana and Jelena Kajganović (2012) Civil society - an important asset in EU accession negotiations in Serbia and Montenegro, Policy Paper, Center for Democratic Transition, p. 2.

¹² Börzel, Tanja; Aron Buzogany, Sonja Guttenbrunner (2008) "New Modes of Governance in Accession Countries: The Role of Private Actors", NEWGOV Cross-Cluster Workshop 'Civil Society, New Modes of Governance and Enlargement', 8 – 10 May, Free University Berlin, Germany.

¹³ See: Maršić, Tomislav (2006) "Assessing the negotiation experience: quick accession or good representation?", in Ott, Katarina (ed.) Croatian accession to the European Union: The challenges of participation, Vol. 4, Institute of Public Finance and Friedrich-Ebert-Stiftung Croatia, Zagreb, p. 29-56.

“the accession negotiations are the ‘hour of the executive’ – to borrow the term from Lippert *et al.*,¹⁴ governments and administration lacked the capacity and experience to meet the tight timetable and to draft qualitative reform, thus requiring specialist knowledge of external experts, stakeholders and civil society actors in order to raise expertise and networking skills (Škrabalo 2012: 1). An optimal negotiation model should include the Government, the Parliament, an active civil society and well informed citizens - all connected with strong and efficient mechanisms of monitoring and consultations and with constant dialogue (Drakić and Kajganović 2012: 7). This model provides all the types of capacities useful in successful accession negotiations. There are typically three ways in which expertise is needed in accession negotiation processes: consultants who investigate the policy effects in respective fields using scientific or technical arguments; the authorities responsible for overseeing the sectorial policy process using technical and bureaucratic arguments; and the CSOs who tend to use social or ‘civic’ arguments.¹⁵

Involvement of the civil society in the EU negotiation process is not obligatory, yet, especially for countries with a small, ineffective public administration, the active and substantial contribution of qualified levels of civil society could be of particular importance to adequately respond to the challenges stemming from the crucial phase of the accession process and make the process more transparent.

Cooperation with all interested partners (private sector, academic community, civil sector) requires an efficient coordination mechanism that is stable, functional and adaptable to national political system, administrative culture and institutional capacity (Lazarević, 2014: 21).¹⁶ Adequate structures and mechanisms for civil society cooperation with public institutions as well as free, clear and accessible flows of information on matters of public interest through structured durable mechanisms are of critical importance.

Furthermore, because in Albania CSO sector may be weak and not consolidated, CSO or individual experts may either be part of the working groups (provided that they are qualified and their expertise justifies so), allowing them to contribute to the

¹⁴ Lippert, Barbara; Gaby Umbach and Wolfgang Wessels (2001) “Europeanization of CEE executives: EU membership negotiations as a shaping power”, *Journal of European Public Policy*, 8 (6), 980- 1012.

¹⁵ Fagan and Sircar (2010) use the same argument on the multi-level consultative forums relating to public hearings on environmental impact assessment. See: Fagan, Adam and Indraneel Sircar (2010) “Compliance without governance: the role of NGOs in environmental impact assessment processes in Bosnia–Herzegovina”, *Environmental Politics* 19(4), p. 600 (with further references)

¹⁶ Decentralization of the cooperation not centralized in one office but through separate focal points serves the diversity of needs and opportunities for collaboration between various ministries and CSOs working in their policy fields (chapters). See: ICNL (no date), p.10.

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shaping of the negotiation documents and policies or to follow the process through monitoring and/or commenting on already prepared acts.

2.2. HOW CSO could be involved?

Considering the dynamics in the process of accession it is advisable to have an earlier engagement of CSOs in the process of information, consultations, monitoring and implementation of new legislation (Gjipali *et. al.* 2014: 21). Since Albania is, still, preparing to begin accession negotiations, the CSOs will be able to timely organize and focus their capacities in the direction of actively participating in and monitoring negotiations, not only on chapter 23 and 24, but on other chapters as well.

In Albania, at the Ministry of European Integration, under the Directorate for Implementation of Priorities and European Secretariat, there is the Civil Society and Strategy Unit. Yet, in general there is a lack of information about the technical procedures for negotiations (this has also been experienced in the early stages of accession negotiations in countries like Croatia). Since the process assumes the possibility of civil society involvement and consultation, it is important that they are aware and informed of the official communication bases that set out the policy framework for the development of a *civil society dialogue between the EU and candidate countries*¹⁷ and the negotiating framework that EU drafts, and presents it at the start of the accession negotiations, establishing the guidelines and principles for the accession negotiations with each candidate country.¹⁸ Furthermore, the challenge to an acceding country's institutions remains legal formalization of ways for civil society to contribute during the accession negotiations (Gjipali *et. al.* 2014: 22). As it has been argued in the case of Croatia, it would have been difficult for civil society organisations to be involved in EU accession negotiations without organised intervention from above (the government and the Council for Civil Society Development).¹⁹

There is no single model to define the potential methods of CSOs' contribution to accession negotiation. Yet, it is recommended that a code of good practice for civil participation in the negotiations process would oblige the state administration bodies

¹⁷ See: Civil society dialogue between the EU and candidate countries, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv:e50022>

¹⁸ See: European Commission: Enlargement, Negotiating framework http://ec.europa.eu/enlargement/policy/glossary/terms/negotiating-framework_en.htm

¹⁹ Đokić, Irena and Marijana Sumpor (2013) The Role of Croatian Civil Society Organisations in the European Union Accession Process, Zagreb, p.42.

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and negotiations team to respect the minimum standards regarding consultations with the public and CSOs; and a protocol on policy coordination on EU negotiation positions should be adopted for CSOs engaged in the working groups (Lazarević *et. al.* 2014: 42).

The strategies related to civil society participation and/or information about EU negotiations should not only be in paper but also enforced.

2.3. Mixed Model for CSOs involvement into Accession Negotiation

Based on previous experience from the countries that joined EU or currently are in the process of EU negotiations, a mixed model of civil society participation could be drawn regarding the level, modes, mechanism and stages for CSOs' engagement at accession negotiations. We assess the relevance and the (dis)advantages of each level and mechanism for CSO involvement in accession negotiations.

CSO could be involved into **two ways and in four levels**. CSOs could be engaged in the formal accession negotiation structures or could be consulted as external stakeholders. Either **passive** or **active (direct or indirect) participation** of civil society organisations in the process of regulation adoption shall entail timely availability of *information, consultancy, inclusion and partnership of civil society organizations* with public authorities. Thus, CSOs could actively contribute to accession negotiations within the **four levels of civic participation at EU accession negotiations**.²⁰

I. Information

Regardless of the intention of civil society involvement in the negotiation process, there should be a minimum obligation by the authorities on increasing transparency and openness²¹ of the EU accession process to the potential stakeholders. Information is a passive way of involving CSOs. The government

²⁰ The Guidelines for inclusion of civil society organizations in the regulation adoption process, adopted on 26 August 2014 by the Government of Serbia, distinguish four levels of participation of civil society organizations: information, consultancy, inclusion and partnership. See: Ćirković, Ivana (ed.) (2014) *Guidelines for Inclusion of Civil Society Organisations in the Regulation Adoption Process*, Government Office for Cooperation with Civil Society, Belgrade.

Available at <http://civilnodrustvo.gov.rs/upload/documents/Razno/EN-smernice.pdf>

²¹ Recommendation 16 of the European Economic and Social Committee at its 5th Western Balkans Civil Society Forum in Belgrade, 2-3 June 2015: *note that in recent years, there have been a number of improvements to the transparency and inclusiveness of the accession process; however, stress that greater consistency is needed to ensure that both the EU institutions and the governments concerned adopt a transparent and inclusive approach throughout the accession process, across all policy areas and in all candidate and potential candidate countries.*

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informs CSOs unilaterally through channels of communication or public awareness activities about the state of art and the need for improvement of specific reforms. It is a one-way process as the government aim is solely to inform CSOs and simplify their understanding on the issue.

The usual methods of information shall be at least the standard government channels of communication: state portals with accessible **online informational materials, media campaigns, public discussions, press releases, presentations, live-streaming, briefing**. Information on CSOs is very important at the explanatory/bilateral screening phase, giving a very detailed examination for each policy field in order to determine how the country is prepared for joining the EU.

The information mechanism is effective if there are legal and practical improvements with regards to:

- high standards in the area of free access to information
- clear and applicable guidelines for conducting inclusive public debates
- intensive, regular information and awareness raising activities about the dynamics of the process
- alternative forms of communication such as live stream broadcasting of screening,²² and briefing meetings with the aim of informing representatives of CSOs who attend the web streaming of explanatory screening with the main issues and details of the bilateral screening.

In order for the information mechanism to be trustworthy and to adequately reflect the progress achieved, it is recommended that CSO representatives in the negotiating working groups should have the right to communicate their views and publish important documents on a particular issue of the working groups.²³

Although information is a one-way process, CSOs should have the right not only to indirectly be aware of the process on an equal footing through accessing

²² E.g. in Serbia, more than 300 representatives of relevant CSOs attended web streaming of explanatory screening for all these chapters and 14 organizations submit reports in the preparation of bilateral screening. See: "Report on the participation of CSOs in the negotiation process for the accession of the Republic of Serbia to the European Union", Government Office for Cooperation with Civil Society, The Republic of Serbia, 24.06.2014. Available at <http://www.civilnodrustvo.gov.rs/news/report-on-the-participation-of-csos-in-the-negotiation-process-for-the-accession-of-the-republic-of-serbia-to-the-european-union.162.html?newsId=485>

²³ For example in the case of Montenegro, the Working Group's Rules of Procedure prescribe that only the Chief negotiator, the Negotiator for the particular chapter and Head of the working group may present views on the progress within the process to the public (Lazarević *et. al* 2014: 55).

relevant documentations,²⁴ they should also be encouraged and allowed to submit suggestions, comments and recommendations. The advantage of this *quasi-active* mode of engagement in the process, but not through the accession negotiation structures, regards the guarantee of freedom of expression and independent recommendations on the sector's progress and results.

II. Consulting

The first level of CSO-active involvement in the accession negotiations requires public institutions to engage in systematic and broad consultation process. This is a two-way process during which state bodies request and receive information from interested civil society organizations in specific areas with regards to planning and drafting strategic documents. CSOs, through expertise in specific fields, could provide feedback, pros and cons analysis and possible recommendations on the respective chapters in all phases of their adoption process.

Usual methods of consultancy shall be: **written consultancy, questionnaires, interviews, focus groups, expert and public discussions, round tables, meetings, workshops and online consultancy.**

The consultation mechanism is effective if there are legal and practical improvements with regards to:

- concrete consultation procedures and mechanisms
- regular and real consultations meetings, constant and substantive dialogue
- establishment of consultative bodies consisting of CSO representatives

III. Inclusion

Direct participation in the negotiation structure (e.g. negotiation/working groups) representing a higher level of the two-way process by which representatives of civil society organisations are actively involved in the process of drafting regulation and designing public policies.

Usual methods of inclusion shall be: **working groups meetings, expert and public discussions (round tables) and workshops.**

Inclusion of civil society representatives within the negotiation structure (in the negotiating/working groups) may be conceived in:

- analytical screening of domestic legislation and its harmonization with EU *acquis communautaire*;

²⁴ Such as screening reports, action plans by individual chapters, reports from the public debates, etc.

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- preparation of the action plans for each chapter
- (drafting) negotiating positions²⁵

The involvement mechanism requires that all procedures and appointments regulating the negotiation structure should be publicly disclosed at the time and they should also include internal rules of procedure on information management and participation in document drafting and negotiations (Đokić and Sumpor 2013: 17):

- transparent selection and participation of CSO representatives²⁶ in the working groups for drafting legislative proposals. On the grounds of a public call and based on the conditions prescribed by decree or other legislation that regulates the manner and procedure for cooperation between the state administration and civil society organisations. Public call for participation in negotiating working groups may include the regulation by which the selection of members is based on dual criteria - the qualifications of the candidates and the organisation. Selected CSO representatives are appointed as fully fledged members of the working groups by Government decision, alongside other members from the public administration. In accordance with the decision, CSO representatives participate in all the working group's tasks and activities during the negotiation process. Special forms should be filled by interested CSOs, concerning personal experience of the representatives in the relevant topic, as well as the experience of the organization he/she represents.
- provide an (equal footing) financing for CSO representatives in the working groups, securing not only the salaries or monthly fees for their involvement in the policy drafting but also to ensure equal participation of CSO representatives at meetings of relevance to the negotiations process (for example, the attendance of meetings in Brussels).

²⁵ For instance, the Slovenian negotiation management was characterised by a far-reaching integration of civil society and independent experts who were explicitly invited to cooperate in the formulation of the *draft negotiating positions* (Maršić, 2006: 51 ft. viii).

²⁶ Recommendation 18 of the European Economic and Social Committee at its 5th Western Balkans Civil Society Forum in Belgrade, 2-3 June 2015: *ask the governments in the region to involve and support on an equal footing the social partners and other civil society organizations closely in their national strategies, policies and funding towards EU accession and negotiation structures, as well as in their programming and implementation of EU-funded projects.*

IV. **Partnership**

Partnership mode represents the highest level of cooperation and mutual accountability of public administration bodies and representatives of CSOs in the process of regulation adoption and implementation. The most important objective of this mode of active participation is to enable CSOs, either independently or as members of the bodies overseeing the implementation process of the action plans, strategies or individual negotiating chapters.²⁷

Usual methods of partnership shall be: **meetings of bodies comprising representatives of public administration bodies and representatives of civil society organisations (committees, commissions, negotiating bodies), thematic conferences, or CSO networking, joint actions, (semi)-annual 'shadow reports', independent joint CSO monitoring of the negotiations within the individual chapters and other.**

The Partnership mechanism of independent and effective monitoring state institutions have reported some positive experience in Albania such as the monitoring of the fulfilment of the Stabilisation and Association Agreement (SAA) commitments and consultations on the Action Plan to address the 12 priorities of the European Commission's opinion (Gjipali *et. al.* 2014: 22). Yet, joint CSO monitoring action of the negotiations within the individual chapters could be a good practice to look at other countries model. CSO networking (groups of influential NGOs teamed up in a joint effort to assess the course of negotiations) so far has been established in Croatia, Montenegro and Serbia, where the main activity of these coalitions is to prepare semi-annual and annual 'shadow reports' with the aim of presenting the 'objective' side that the Government may conceal or present in a more positive light. For instance, in Croatia, the involvement of CSOs in the negotiation structure was foreseen for all the chapters with the exception of the working groups on chapter 23 and 24 which did not include any representatives of civil society at all and their structure consisted solely of government bodies (ministries and offices) and courts dealing with these issues. The 'closed' nature of these working groups to civil society may have initiated the extra-institutional mobilisation to act urgently before the closure of accession negotiation as the obvious alternatives, with Joint CSO monitoring and reporting progress on the chapter.

²⁷ Partnership between civil society and the state, particularly in the accession negotiation process is seen by the EU as necessary for the implementation of EU legislation. See: Orza, Amanda (2014) CSO Participation in Policy Making, European Policy Center, available at <http://www.europeanpolicy.org/en/documentation-centre/cep-insight/417-cso-participation-in-policy-making.html>

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The Joint CSO actions have: the *advantage* of providing more systematic, comprehensive, quality and impartial monitoring of negotiations especially of areas that have been in the background during the process, and received less attention from state institutions. However, they face the difficulties of inadequate coordination and lack of financial resources for the implementation of joint activities and advocacy. Such shortcomings require public appearances on behalf of the coalition, fundraising or support and allies from transnational actors working on the same sector (fostering of cross-country networks).

Table 1: Modelling CSO involvement in EU Accession Negotiation

Level	Mechanism	Phase of EU Accession Negotiation	Mode of Engagement
Information	channels of communications: <i>online informational materials, media campaigns, public discussions, press release, presentations, live-streaming, de-briefing</i>	(Explanatory/ Bilateral) Screening	Passive involvement
Consulting	Constant dialogue and regular consultations: <i>written consultancy, questionnaires, interviews, focus groups, expert and public discussions, roundtables, meetings, workshops, online consultancy</i>	Preparing position papers: <i>Drafting position opinion</i>	Active indirect involvement
Inclusion	Direct participation in the negotiation structure: <i>working groups meetings, designing of public policies, expert and public discussions (round tables), workshops</i>	Opening Benchmark: <i>planning and drafting of strategic documents</i>	Active direct involvement
Partnership	Oversee and monitor the implementation process (action plans, strategies or individual negotiating chapters): <i>meetings of bodies comprising representatives of public administration bodies and representatives of civil society organisations (committees, commissions, negotiating bodies), thematic conferences, or CSO networking, joint actions, (semi)-annual 'shadow reports', independent joint CSO monitoring of the negotiations within the individual chapters</i>	Closing benchmarks and Implementation	Active indirect involvement

The negotiation process is, in all of its phases (screening, presentation of positions, opening and closing the benchmarks, implementation etc.), the task of the state administration, yet CSOs should be informed, consulted and involved in the accession negotiations. There is no “golden rule” of when and how to engage CSOs. The different approach of different phases (the mixed model of evolving CSOs) seems more viable and flexible, and can be adapted to a country’s needs – considering CSO

contribution (expertise and democratic engagement) and keeping the pace of integration (consensus and coordination).²⁸

3. The Way Forward for Albanian CSO involvement in Accession Negotiations

CSO involvement at EU accession negotiations is an inevitable part, either because it may result either from the EU conditionality, the lack of administrative capacity of state institutions or the specific knowledge that the civil sector has. Thus the government should involve all the available potential of the country's society. The different modalities of cooperation between the government and CSO in regards to accession negotiations has not been without challenges, which have ranged from issues of transparency and real consultation, dialogue and cooperation, willingness and trust, cooperation funding for civil society representatives' participation in meetings abroad, to the payment for participation on the working groups, relation with the public and joint actions. Such hurdles should be dealt with in a constructive manner by both sides.²⁹ Yet, the civil society should not expect the government to do its job, but should if, capable, engage on its own and claim the information, consultation, participation and partnership possibilities.³⁰ The Albanian government should enhance the transparency, openness, responsiveness, and accountability providing an inclusive environment for CSO involvement, whereas the complex requirement of the accession process demands changes to the operations and structures of Albanian CSOs.³¹

The future model of Albanian CSOs participation in the preparation of negotiating positions has to be a mix of mechanism and a level of engagement at different stages of the accession negotiation based on good experiences of CSO-government cooperation in Albania and other acceding countries.

²⁸ Previous experiences in other countries has shown that CSOs involvement was practiced only in the very first phases of the negotiating process and afterwards, the civil society was in a majority of cases excluded from the actual work of the Negotiating Groups or sometimes even forbidden to share the documents with the members of the Negotiating Group from the civil society (Lazarević, 2014: 31).

²⁹ That has been the case in Montenegro. For more see: Marović, Jovana (2013), "Civil society involvement in accession negotiations - Too much to ask?" in *Parliamentary Challenges in the EU Accession Process*, Institute for Democracy and Mediation.

³⁰ Ott, Katarina (2006) "Croatian accession to the European Union: the challenges of participation" in Katarina Ott (ed.), *Croatian Accession to the European Union. Facing the Challenges of Participation*, Vol.4, Zagreb, Institute of Public Finance and Friedrich-Ebert-Stiftung Kroatien, p.11

³¹ A good example may be the set-up of specific Task Force on Accession Negotiation which will assess the progress made in specific fields (chapters) in the country while making recommendations on how to improve it.

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The occasional policy paper by Dorian Jano, a Jean Monnet professor at Marin Barleti University and the director of the Albanian Institute for Public Affairs, explores a mixed model for Albanian CSOs involvement into EU accession negotiation.

ALBANIAN INSTITUTE FOR PUBLIC AFFAIRS

AIPA, a recently established non-for-profit institution, is committed towards making a real impact on the democratization and integration process of the Albanian society, through improving the process of policy-making at a local and central level, enhancing capacity-building and strengthening public participation in all social activities with a public interest.

The Institute is committed to achieving its mission through the promotion of democratic values and principles, civic education and awareness-raising, public opinion surveys, monitoring of various policies and strategies, thus providing knowledge based on cutting-edge research and on independent and qualified expertise on political, social, economic and legal issues relevant for the country's development and EU integration.