

**Authors:**

Sena Marić, Programme Manager and Senior Researcher  
European Policy Centre (CEP Belgrade)  
Strahinja Subotić, Junior Researcher,  
European Policy Centre (CEP Belgrade)

**Contributors:**

Members of *Think for Europe Network (TEN)\**

# EVIDENCE-BASED AND INCLUSIVE POLICYMAKING IN THE WESTERN BALKANS

What role for think tanks and other policy-orientated CSOs?



Think *for* Europe Network

The evidence-based input provided by think tanks and other policy-oriented civil society organisations (CSOs) significantly contributes to the policymaking process, especially during the policy formulation and monitoring and evaluation phases. However, in the world of post-truth reality, where alternative facts and fake news gain prevalence over hard facts, the work done by these organisations comes into question. Given the still undeveloped policymaking systems in the Western Balkans (WB), including CSOs in policymaking becomes a *conditio sine qua non* if the goal is to develop sound, evidence-based and well-analysed public policies. Despite such necessity, the space for civil society contribution has been gradually shrinking across the WB, making it harder for CSOs to actively take part in the policymaking process in their home countries. Therefore, this paper aims to shed light on an insufficiently enabling, often even disabling, environment for the work of CSOs from the region. It does so by providing a comparative overview of CSOs involvement in the policymaking in different countries across the WB, whilst also identifying the limitations of the very policymaking processes in the WB. Finally, as the accession process of the region accelerates, the paper shows how CSOs can use the EU's more credible enlargement commitment to move beyond the unfavourable situation and increase their impact on policymaking.

## Civil society compromised worldwide...

**Civil society organisations are non-market and non-state organisations through which groups of people organise themselves in order to pursue their shared interests in the public domain.<sup>1</sup>**

This Policy Brief is produced within the project  
*Raising capacities and advocacy potential of CSOs of Visegrad Group and Western Balkans.*

This project addressed the deficiencies of policymaking systems by enhancing civil society organisations' capacities from the Western Balkans to take more active part in the policymaking and advocate for a more enabling legal environment for the civil society organisations through learning from the experiences of the Visegrad Group (Slovakia, Poland, Czech Republic, Hungary).

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Their role is to act as alternative gateways for citizens to voice their needs and concerns, promote area-specific ideas, develop recommendations, monitor policy implementation, and check on the government's performance. In other words, CSOs are organisations which are supposed to fill in the gaps left by markets and states,<sup>2</sup> and that is why the European Commission perceives them "as [a] crucial component of any democratic system".<sup>3</sup>

The broad nature of the proposed definition of CSOs illustrates the fact that civil society encompasses a large number of varied organisations conducting a wide-range of work. As such, they range from human rights organisations and women's rights groups, through minority and faith-based organisations, to professional associations and finally think tanks.<sup>4</sup>

\*Anida Šabanović (Foreign Policy Initiative, FPI BH), Ivana Bogojević (Institute Alternative, Montenegro), Simonida Kacarska (European Policy Institute, EPI Macedonia), Artela Mitrusi (Institute for Democracy and Mediation, IDM Albania).

<sup>1</sup> Brian Tomlinson, "Working with Civil Society in Foreign Aid: Possibilities for South-South Cooperation?", UNDP, 2013, p.123, available at: [http://www.undp.org/content/dam/undp/documents/partners/civil\\_society/publications/2013\\_UNDP-CH-Working-With-Civil-Society-in-Foreign-Aid\\_EN.pdf](http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2013_UNDP-CH-Working-With-Civil-Society-in-Foreign-Aid_EN.pdf)

<sup>2</sup> Fabrice Desse, "The Role and Structure of Civil Society Organizations in National and Global Governance Evolution and outlook between now and 2030", AUGUR, 2012, p.5

<sup>3</sup> Amanda Orza, "Civil Society and Government: Participatory Policy Formulation in Serbia", European Policy Centre (CEP), 2014, p.1, available at: [http://cep.org.rs/wp-content/uploads/2014/11/train\\_final\\_eng.pdf](http://cep.org.rs/wp-content/uploads/2014/11/train_final_eng.pdf)

<sup>4</sup> Brian Tomlinson, "Working with Civil Society in Foreign Aid: Possibilities for South-South Cooperation?", UNDP, 2013, p.123.

When discussing the role of CSOs in the policymaking process, this paper to a large extent focuses on **think tanks<sup>5</sup> and other policy-oriented civil society organisations** (for reasons of brevity referred to simply as CSOs in the paper). What differentiates think tanks and other policy-oriented CSOs from the rest of the civil society is the position from which they are able to act as partners to government institutions, by bridging the gap between independent research and the policymaking reality.<sup>6</sup> Therefore, even though think tanks act independently of the government, they still are focused on it in their work, as their goal is to advise and enable policy makers to create “informed decisions about public policy.”<sup>7</sup>

Despite the added value of CSOs both to democracy and policymaking, their work does not go without interruptions and obstacles. In the post-truth world of fake news and alternative facts, it has become increasingly difficult to properly organise and promote evidence-based policies, proposals and solutions. Under such changing circumstances, **the two decade-long worldwide gradual increase<sup>8</sup> in the number of CSOs has met its end and started taking a reverse route.<sup>9</sup>** At a time when populist leaders with autocratic tendencies, such as the Russian President Vladimir Putin, Turkish President Recep Tayyip Erdoğan, Polish politician Jarosław Kaczyński and Hungarian Prime Minister Viktor Orbán<sup>10</sup>, take the front seat on the European and global stage with their ability to shape divisive discourses (i.e. “us vs. them”) and set deviant patterns of behaviour, the newly instigated negative trend does not come as a great surprise.

Different studies reveal that a growing number of countries have been creating hostile political and regulatory environments in order to hinder the ability of CSOs to sustain their own lifeline and provide quality output.<sup>11</sup> Such actions have not only been observed in countries led by authoritarian leaders, such as Russia and Turkey, but also in some EU member states, such as Hungary and Poland, whose leaders have been undermining the rule of law and wearing down liberal democracy in their countries over the past years. Some of the tactics used by governments to damage the credibility of CSOs include sully the CSOs’ public image by accusing them of unpatriotic and undemocratic behaviour, cutting off funding to CSOs or harassing CSOs through criminal or tax investigations on fabricated charges.<sup>12</sup> Organisations defending human rights have been the hardest hit, facing attacks in *all* parts of the world.<sup>13</sup> Russia is perhaps the most emblematic case of how far governments can go to manipulate the existing legal environment against civil society activity. Its restrictive laws on CSOs and the array of measures taken against them - branding well over a hundred Russian organisations as ‘foreign agents’ and banning some of them as ‘undesirable’ - forced dozens of organisations to leave Russia.<sup>14</sup>

The European Union (EU) has not been completely immune to this phenomenon either. Despite resting its foundations on the principles of democracy, human rights and the rule of law, as Article 2 of the Treaty on the EU (TEU) prescribes,<sup>15</sup> the EU has been accused of ‘turning a blind-eye’ and failing to uphold fundamental values in some of its member states.<sup>16</sup>

<sup>5</sup> A prominent scholar on think-tanks, James McGann defines think tanks as “public-policy research analysis and engagement organisations that generate policy-oriented research, analysis, and advice on domestic and international issues.” James McGann, James McGann, “2017 Global Go To Think Tank Index Report”, *The Think Tanks and Civil Societies Program (TTCSP) of the Lauder Institute at the University of Pennsylvania*, p.8, available at: [https://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=think\\_tanks](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=think_tanks)

<sup>6</sup> James McGann, “2013 European Think Tank Summit Report: Think Tanks in a Time of Crisis and Paralysis: On the Sidelines or Catalysts for Ideas and Action?”, University of Pennsylvania, Think Tanks and Civil Societies Program, p. i, available at: [https://repository.upenn.edu/cgi/viewcontent.cgi?article=1009&context=ttcsp\\_summitreports](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1009&context=ttcsp_summitreports)

<sup>7</sup> James McGann, “2017 Global Go To Think Tank Index Report”, p.8, available at: [https://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=think\\_tanks](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=think_tanks)

<sup>8</sup> Fabrice Dese, “The Role and Structure of Civil Society Organizations in National and Global Governance Evolution and outlook between now and 2030”, *AUGUR*, 2012, p.5, available at: [http://www.augurproject.eu/IMG/pdf/cso\\_note\\_provisional\\_draft5\\_june\\_2012.pdf](http://www.augurproject.eu/IMG/pdf/cso_note_provisional_draft5_june_2012.pdf)

<sup>9</sup> Global Go To Think Tank Index Report, the largest think tank database in the world, has identified an evident recent decline in number of think-tanks on a global level. James McGann, “2017 Global Go To Think Tank Index Report”, p.11.

<sup>10</sup> Jacek Rostowski, “New Threat to the West: The Politics of Confrontation”, *The Straits Times*, 2016, available at: <http://www.straitstimes.com/opinion/new-threat-to-the-west-the-politics-of-confrontation>

<sup>11</sup> Global Go To Think Tank Index Report. James McGann, 2017.

<sup>12</sup> Israel Butler, “NGOs Are Vital to Democracy – Here’s Why”, See also Hans Gutbrod, “Distract, Divide, Detach: Using Transparency and Accountability to Justify Regulation of Civil Society Organisations”, Transparency and Accountability Initiative, available at: <http://www.transparency-initiative.org/wp-content/uploads/2017/12/distract-divide-detach.pdf> Transparency and Accountability Initiative

<sup>13</sup> Frontline Defenders, *Annual Report on Human Rights Defenders at Risk 2016*, Front Line, the International Foundation for the Protection of Human Rights Defenders, Dublin, 2017

<sup>14</sup> Richard Youngs, Ana Echagüe, Shrinking space for civil society: the EU response, Policy Department, Directorate-General for External Policies, Belgium, 2017, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO\\_STU\(2017\)578039\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU(2017)578039_EN.pdf)

<sup>15</sup> For Article 2 of the TEU, see here: <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/2-article-2.html>

<sup>16</sup> Strahinja Subotic, “Will the EU stand with CEU?”, European Policy Centre (CEP), 2017, available at: <http://cep.org.rs/en/blogs/will-the-eu-stand-with-ceu/>

In fact, recent developments in Hungary suggest that Russian-style tactics against CSOs have found their way into the heart of Europe, without significant repercussions. The soon to be adopted “Stop Soros” Law, for example, obliges organisations in Hungary that ‘support migration’ to obtain a national security clearance and a government permit to act. In addition to that, the Hungarian authorities have introduced a 25% tax on foreign donations to these organisations.<sup>17</sup> As the EU has no means to quickly and efficiently address disruptive actions of this sort,<sup>18</sup> such practices could inspire and spread to other member states, as well as to candidate countries, like Serbia.<sup>19</sup> Moreover, a CIVICUS monitoring report from 2017 identifies that even though Hungary represents the only EU member state with “obstructed” civic space, half of the total number of EU countries (i.e. fourteen) have “narrowed” civic spaces. **This highlights the need for more decisive action in support of CSOs across Europe.**<sup>20</sup>

### ...and the Western Balkans are no exception.

**The general environment for CSOs in the Western Balkans has also been increasingly turning hostile, largely reflecting global trends.**<sup>21</sup> In Serbia, the number of attacks by the pro-government media and government officials against CSOs that provide evidence-based and well-argued criticism has been growing.<sup>22</sup> USAID registers that in 2016 the legal environment, advocacy, and public image of CSOs in Serbia have all deteriorated compared to previous years,<sup>23</sup> while investigative journalists have been the most vulnerable and often the least protected.<sup>24</sup> Similar trends have been observed in Montenegro and Macedonia.<sup>25</sup> In Montenegro, these trends have manifested themselves in the form of attacks on CSOs by

pro-government media, legislation which narrows the scope of public funds and ungrounded governmental favouritism of certain CSOs.<sup>26</sup>

*“In Serbia, the number of attacks by the pro-government media and government officials against CSOs that provide evidence-based and well-argued criticism has been growing.”*

In Bosnia and Herzegovina (BIH), public officials enjoy greater legal and institutional protection than citizens and CSO activists. The latter are exposed to many forms of open and/or concealed pressure and obstructions of their work.<sup>27</sup> Attacks on CSOs have increased in the past few years in both entities, that is, Republika Srpska and the Federation of Bosnia and Herzegovina.<sup>28</sup> In addition, there are repeated reports of political campaigns against independent CSOs and the media in Macedonia, Serbia and Albania, and perhaps to a lesser degree in Montenegro and BIH.<sup>29</sup>

### The influence of CSOs on policymaking in the Western Balkans: limited and constrained

**As relatively new actors on the policy landscape of the WB, think tanks and other policy-oriented CSOs are still fighting for their ‘space under the sun’,** while the need to introduce evidence-based policy solutions remains high. Given their expertise, these organisations are in a position to advocate for the much-needed opening up of the policy process and meaningful consultations between governments and civil sector in general.

<sup>17</sup> Amnesty International, *We stand in solidarity with civil society in Hungary*, 2018, available at: <https://www.amnesty.org/en/latest/campaigns/2018/02/in-solidarity-with-civil-society-in-hungary/>

<sup>18</sup> The EU has two tools for addressing such issues. Activation of Article 7 and initiation of the infringement procedure. The issue is that both tools require a long time to be enacted.

<sup>19</sup> The Economist, *Hungary's prime minister, Viktor Orban, wins another landslide*, 2018, available at: <https://www.economist.com/news/europe/21740439-fears-countrys-democracy-deepen-hungarys-prime-minister-viktor-orban-wins-another>

<sup>20</sup> Just less than half of the EU member states (i.e. thirteen) have “open” civic space CIVICUS, Monitor Tracking Civic Service, 2017, available at: <https://monitor.civicus.org/Ratingsupdatesept17/>

<sup>21</sup> For an overview see: Rosa Balfour and Nicolas Bouchet, *Supporting Civil Society in Eastern Europe and the Western Balkans: Old and New Challenges*, German Marshall Fund Europe Program Policy Brief no.9/2018, available at: <http://www.gmfus.org/publications/supporting-civil-society-eastern-europe-and-western-balkans-old-and-new-challenges>

<sup>22</sup> Civil Rights Defenders, *Human Rights Defenders Made Scapegoats in Serbian Media*, Liberties, 2016, available at: <https://www.liberties.eu/en/news/human-rights-defenders-made-scape-goats-in-serbian-media/10587>

<sup>23</sup> Ibid.

<sup>24</sup> B. Elek et al., *Monitoring and Evaluation of the Rule of Law of the Republic of Serbia*, Belgrade Centre for Security Policy, November 2016, p.10.

<sup>25</sup> *Back to Basics: Re-affirming the Rule of Law in the Western Balkans*, Institute Alternative, December 2016, p.19. See also CIVICUS Monitor, January 2017 Macedonia goes after Soros-funded civil society, available at: <https://monitor.civicus.org/newsfeed/2017/01/31/Macedonia-Soros-funded-civil-society/>

<sup>26</sup> Press release and appeal to the councilors: Vote against the monopoly in NGO sector, see at: <http://institut-alternativa.org/11882/?lang=en>; Press release: Six ministers refused to finance NGOs in 2018, see at: <http://institut-alternativa.org/saopstenje-sest-ministara-od-bilo-finansiranje-nvo-u-2018-godini/?lang=en>

<sup>27</sup> Guidelines for EU support to civil society in enlargement countries 2014-2020, available at [http://www.tacso.org/data/dokumenti/pdf/traficlight\\_april2015\\_ba.pdf](http://www.tacso.org/data/dokumenti/pdf/traficlight_april2015_ba.pdf)

<sup>28</sup> Available at: <http://www.6yka.com/novost/39480/-u-rs-sve-ostriji-napadi-na-nevladine-organizacije>

<sup>29</sup> Bill Sterland, “The shrinking space for civil society – the Western Balkans”, Framework, 2017, available at: <http://www.framework.org.uk/the-shrinking-space-for-civil-society-the-western-balkans/>



**The policymaking systems of the region are largely focused on legal drafting with underdeveloped policy-formulation and monitoring phases. In such circumstances, CSOs have very few mechanisms to influence the direction of policies being developed or to monitor their implementation.**<sup>30</sup>

In fact, one of the greatest difficulties with the functionality of state-CSO cooperation is related to the unsatisfactory implementation of measures prescribed by policy documents.<sup>31</sup> As the latest OECD/SIGMA Monitoring Reports for 2017 reveal, all WB countries have legally regulated the issue of public consultation in the decision-making process, but none has put the legal framework into effect.<sup>32</sup> For example, all draft laws developed by line ministries *should*, by law, be open to public consultation. However, by and large, this is either not the case at all (as in Macedonia throughout 2016), or, more often, happens randomly with some of the draft laws only.

Differences emerge not only from one country to the other, but especially among ministries within one country. In Montenegro, for example, participation of CSOs in policymaking on issues such as the annual budget and defense and security has been restricted so far. The Law on State Administration<sup>33</sup> stipulates that public discussion is not mandatory “when the law, that is the strategy, regulates issues in the field of defense and security and annual budget; in an emergency, urgent or unforeseeable circumstances; when a matter is not differently regulated by law”.<sup>34</sup> This offers state authorities an excuse to restrict open decision-making on budget or security regulations affecting all citizens.<sup>35</sup>

As regards Albania, while the number of public hearings and consultations has increased, CSOs continue to be skeptical about the impact of these mechanisms.

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*In Montenegro, for example, participation of CSOs in policymaking on issues such as the annual budget and defense and security has been restricted so far.*

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Consultations often seem to be organized as a formality. In some cases, when consultations are held, feedback from stakeholders is not taken into account. In other cases, when written feedback is requested, the parliament does not provide information on how this input was used during the review of the draft laws. According to Institute for Democracy and Mediation December 2016 national opinion poll, 45% of Albanians believe that suggestions coming from civil society and interest groups on draft laws are not considered.<sup>36</sup> During 2016, CSOs in Albania have raised public awareness of the Law on the Right to Information and the Law on Notification and Public Consultation through TV, pamphlets and portals like Pyetshtetin.al and Duainfo.org. The Albanian organisations also highlighted the fact that central and local government bodies are not adequately implementing these laws, and still pass legislation and strategies without consulting relevant stakeholders. For example, the online registry for notifications and public consultation, on which all draft legal acts should be published, was launched in 2016 but was not used by public authorities during that year.<sup>37</sup>

<sup>30</sup> Sena Marić et al, *Policymaking in the Western Balkans: creating evidence beyond EU conditionality*, Think for Europe Network (TEN), November 2016, p.7, available at: [http://cep.org.rs/images/ceps\\_web/policymaking\\_in\\_the\\_western\\_balkans\\_final.pdf](http://cep.org.rs/images/ceps_web/policymaking_in_the_western_balkans_final.pdf)

<sup>31</sup> Balkan Civil Society Development Network, Monitoring matrix on enabling environment for civil society development regional report 2015, available at: <http://www.balkan-csds.net/novo/wp-content/uploads/2016/09/Balkan-Civic-Practices-14-Vnatresni-korici-WEB.pdf>

<sup>32</sup> SIGMA developed the Principles of Public Administration in 2014 to support the European Commission's reinforced approach to public administration reform in the EU Enlargement process. The Principles define what good public governance entails in practice and outline the main requirements to be followed during the EU integration process. The Principles also feature a monitoring framework to enable regular analysis of progress made in applying the Principles and in setting benchmarks. *Monitoring Reports* available at: <http://www.sigmaweb.org/publications/public-governance-monitoring-reports.htm>

<sup>33</sup> Law on State Administration (“Official Gazette”, No. 038/03 from 27.06.2003, No. 022/08 from 02.04.2008, No. 042/11 from 15.08.2011, No. 054/16 from 15.08.2016, No. 013/18 from 28.02.2018)

<sup>34</sup> Article 97, Law on Public Administration, (“Official Gazette”, No. 038/03 from 27.06.2003, No. 022/08 from 02.04.2008, No. 042/11 from 15.08.2011, No. 054/16 from 15.08.2016, No. 013/18 from 28.02.2018)

<sup>35</sup> Institut Alternativa, “Civil society calls on the Government not to restrict public discussions”, 2018, available at: <http://institut-alternativa.org/civil-no-drustvo-pozvalo-vladu-da-ne-ogranicava-javne-rasprave/?lang=en>

<sup>36</sup> Institute for Democracy and Mediation, Trust in Governance 2016 Opinion Poll, 2016, Tirana, available at: <http://www.al.undp.org/content/dam/albania/docs/IDM-OpinionPoll-2016-EN.PDF?download>

<sup>37</sup> Albania, Civil Society Facility and Media Programme 2016-2017, available at: [http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa\\_ii\\_2016-038-960.02\\_2017-038-961.02-csfmedia-albania-amend.pdf](http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa_ii_2016-038-960.02_2017-038-961.02-csfmedia-albania-amend.pdf)

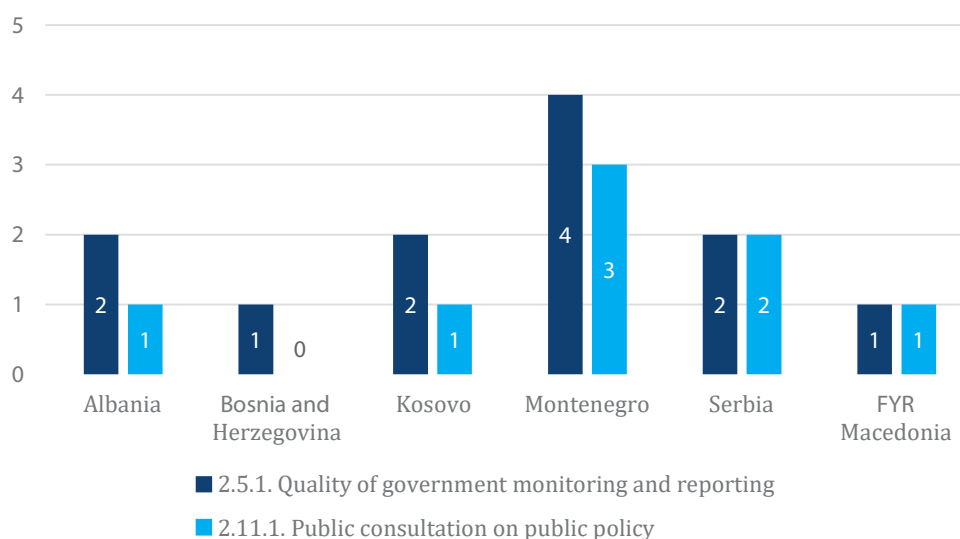
In BIH, institutions are not legally obliged to involve CSOs in the work of advisory or other governmental bodies. To be sure, there are some examples of good practices regarding CSO involvement in working groups for certain laws, regulations and strategies. This is the case, for example, with the BIH Ministry of Human Rights and Refugees, where representatives of CSOs are allowed to freely express their views and proposals.<sup>38</sup> However, clear and transparent mechanisms by which representatives of CSOs are elected to work in decision making and policymaking bodies are still lacking.

The public availability of policy documents is another problematic issue. The practice of publishing information before the final version of a draft law is sent to the Government is inconsistent, depending on the Balkan country in question. In Kosovo, for example, the government does not hold press conferences any longer,<sup>39</sup> while in Serbia the government tends to hold debates on draft laws at the very end of the legislative process, when the room for proposing substantive changes is rather limited. Moreover, the habit of adopting legislation by urgent procedure further narrows the scope for involvement of think tanks and other policy-oriented CSOs in policymaking.

In fact, **the whole region shares the problem that there is no actual assurance that consultation results would be fairly embedded into policymaking.** It is simply impossible to establish if and to what extent the stakeholders' feedback is actually taken into account in the decision-making process, that is, to know what suggestions were actually accepted or rejected, and on what grounds.

The Montenegrin example then stands out for several reasons. The Government's decisions are always disclosed, and the legislation is published online, press conferences and media appearances are regularly held and SIGMA, as a renowned and long-standing joint initiative of the EU and OECD focusing on public administration reform, commends the work of the Montenegrin Public Relations Service. Additionally, reports on key governmental planning documents are publicly available and, in this manner, open to (potential) public scrutiny. The Montenegrin Government also publishes its agendas, even if only after the sessions were held. Nonetheless, the implementation of public consultation processes in Montenegro falls short of ensuring quality and predictability. Like the rest of the region, Montenegro struggles with the quality-assurance mechanisms of these consultations.

**Graph 1:** A comparative overview of SIGMA indicator scores for the availability of information and public participation<sup>40</sup>



<sup>38</sup> Guidelines for EU support to civil society in enlargement countries 2014-2020, available at [http://www.tacso.org/data/dokumenti/pdf/traficlight\\_april2015\\_ba.pdf](http://www.tacso.org/data/dokumenti/pdf/traficlight_april2015_ba.pdf)

<sup>39</sup> A new procedure is now introduced: Government's sessions are first recorded, then the state of play is in the given manner shared with the press, which has to formulate its question(s) in a written form, and in the end the Government Spokesperson addresses all the questions. Press conferences in other WB are not envisioned in this manner, and the described procedure is at work only in Kosovo.

<sup>40</sup> Indicator 2.5.1. Quality of government monitoring and reporting covers the following sub-indicators: 1. Adequacy of the legislative framework for monitoring and reporting (maximum points 8), 2. Quality of reporting documents (max. points 12), 3. Public availability of government reports (max. points 5). Total Points: 0-3 (0), 4-7 (1), 8-12 (2), 13-17 (3), 18-21 (4), 22-25 (5).

Indicator 2.11.1. Public consultation on public policy covers the following sub-indicators: 1. Adequacy of the regulatory framework for an effective public consultation process (max. points 10), 2. Quality assurance of the public consultation process (max. points 3), 3. Regularity in publishing draft laws for written public consultation (max. points 4), 4. Test of public consultation practices (Max. points 24). Total points: 0-6 (0), 7-13 (1), 14-20 (2), 21-27 (3), 28-34 (4), 35-41 (5).

**In sum, throughout the Balkans, a lack of transparency in governmental decision-making, exclusion of CSOs and poor availability of reports on performance of governments and other relevant administrative data prevent the effective participation of CSOs in policymaking.** The findings of the regional WeBER project confirm this statement.<sup>41</sup> As the graph below illustrates, the governments of the WB countries achieve low scores when it comes to providing information on their performance to the public. Therefore, both basic and more advanced data, as well as reports on the work of governments, should be made available online more regularly for public scrutiny.<sup>42</sup>

The Balkan governments seem to be either unaware of the potential benefits of involving think tanks and other policy-oriented CSOs in policymaking or instead lack the will to enable substantive inputs.

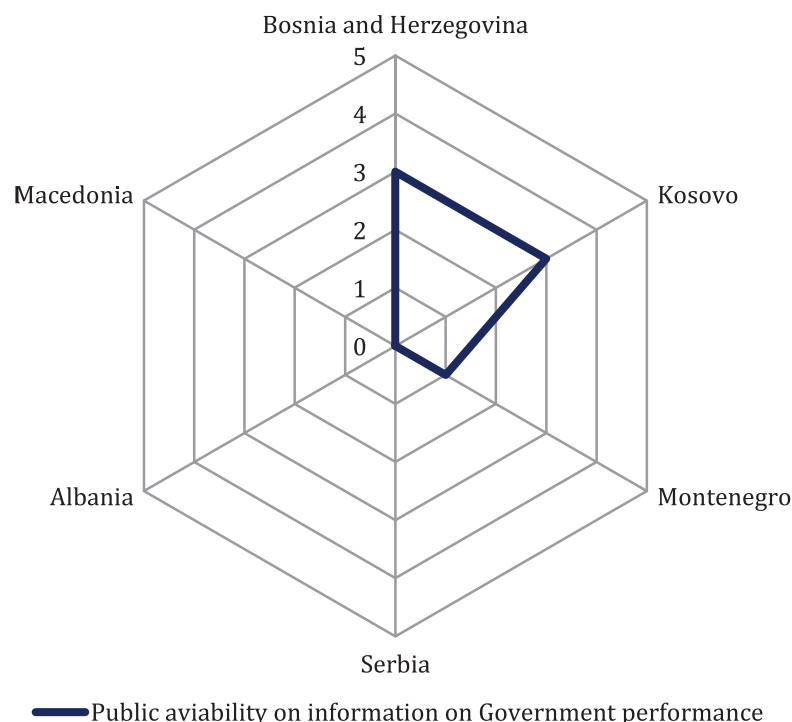
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*Throughout the Balkans, a lack of transparency in governmental decision-making, exclusion of CSOs and poor availability of reports on performance of governments and other relevant administrative data prevent the effective participation of CSOs in policymaking.*

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As such, CSOs struggle to provide evidence-based contributions in the formulation of policy or to effectively scrutinise governmental action in the process of monitoring existing policies. **Improving government accountability through more participatory, inclusive and responsible governance remains thus a key issue that could determine the extent to which the WB countries will turn into mature democracies in the future.**

**Graph 2:** WeBER - Regional indicator values for public availability of information on Government performance (on the scale 0-5)



<sup>41</sup> The overall goal of WeBER is to increase the relevance, participation and capacity of civil society organisations and media in the Western Balkans to advocate for and influence the design and implementation of public administration reform (PAR). See more: Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform – WeBER, About WeBER, available at: <http://www.par-monitor.org/pages/about-weber>

<sup>42</sup> PAR Monitor, Unavailability of information on governmental performance in the WB, February 2018, available at: <http://www.par-monitor.org/posts/first-results-from-par-monitor-un-availability-of-information-on-governmental-performance-in-the-wb>

## Looking ahead: Turning EU's Credible Commitment to Enlargement into a Chance for WB CSOs

The statement of Commission President Jean Claude Juncker in 2014 that there would be no enlargement during his five-year mandate sent a **discouraging signal** to the civil society sector, the media and the general public in the region, who felt, in some way, abandoned by the EU. This perception was reinforced in countries that had long been involved in the European integration process (e.g. Serbia has been in the process ever since 2004 when it started harmonising its legislation with the EU *acquis*) and in places where the region has started to lose ground to authoritarian tendencies.<sup>43</sup> The Berlin Process, an initiative first established under the leadership of the German Chancellor Angela Merkel in 2014, has partially filled in the confidence gap in the WB.<sup>44</sup> After four summits held in the framework of this process, which have put the further integration and connectivity of the region back on the member states' agenda, whilst providing room for CSOs to voice their concerns and provide recommendations, the latest European Commission's Enlargement Strategy<sup>45</sup> joins in the effort. Not only did the Commission highlight that the EU's enlargement to the region is in the Union's own "political, security and economic interest,"<sup>46</sup> thus strongly reaffirming its commitment to enlargement, but it also pinpointed Serbia and Montenegro as candidates which could potentially be ready for membership in a 2025 perspective.

For now, the **window of opportunity** for the WB is open and that is why the countries of the WB have no time to spare. The actions and reform efforts of the WB countries will be monitored and scrutinised more closely than ever before, and in that regard, the Commission has already recognised and expressed concerns related to elements of 'state capture', as well as political control over media and the judiciary across the region.<sup>47</sup>

All of these identified issues hinder the interaction between the state and the civil sector in the Balkans. To that end, the Commission underlined the need to further involve civil society in the reform process via **inclusive structured dialogues**.<sup>48</sup> Similarly, the highly important role of civil society in the process of democratisation was also recognised by EU28 leaders at EU-Western Balkans 2018 Summit in Sofia, where the need to deepen the links among CSOs of the WB was further emphasised, including the continued support for funds intended for projects of civil society.<sup>49</sup>

Therefore, it is certainly possible that the EU's more credible commitment to the enlargement will incentivise the WB governments to implement comprehensive reforms. Consequently, this could lead to further loosening the grip of the governments over the civil society in the following period, as the requirements of the EU integration process have so far presented the most effective source of pressure on the WB governments.<sup>50</sup> In addition, the continuation and increase of **EU assistance and support to civil society** of the region, as remarked by EU leaders in Sofia, could represent a chance for CSOs to move beyond the unfavourable situation in which they currently operate and to unleash the full potential of their impact on the quality and process of policymaking, whilst reinventing their role in society and affirming the relevance of policy research and analysis.<sup>51</sup> CSOs should seize the moment as well and engage in activities which would increase their visibility and enable them to stand out as unique and indispensable actors which could help boost the European integration process of the region. One way of doing that is by further developing regional and international organisational networks aimed to **jointly tackle common problems** (such as the rule of law, sustainability of reforms and administrative capacities for implementation of EU law, etc.), whereas regional cooperation could ensure regional peer pressure to improve standards of policy research and analysis.

<sup>43</sup> Alida Vračić, *Festina Lente*, 2018, available at: <http://www.belgradeforum.org/festina-lente/>

<sup>44</sup> Cooperation & Development Institute / ShtetiWeb, *The Strategic Importance of Berlin Process for the Western Balkans: a View from Albania*, Non-paper prepared in the wake of the conference "From Paris to Rome: Perspectives from Albania on Regional Cooperation – Fall 2016", 2016, p.4, available at: <http://wb-csf.eu/wp-content/uploads/2017/11/The-strategic-importance-of-Berlin-Process-for-the-Western-Balkans-A-view-from-Albania-%E2%80%93-CDI.pdf>

<sup>45</sup> European Commission, *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, 2018, p. 1, available at: [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)

<sup>46</sup> *Ibid*, p.1

<sup>47</sup> *Ibid*, p.3

<sup>48</sup> *Ibid*, p.5.

<sup>49</sup> EU-Western Balkans Sofia Summit, *Sofia Declaration, 2018*, available at: [http://www.consilium.europa.eu/media/34776/sofia-declaration\\_en.pdf](http://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf)

<sup>50</sup> Sena Marić et al, *Policymaking in the Western Balkans: creating evidence beyond EU conditionality*, Think for Europe Network (TEN), November 2016, available at: [http://cep.org.rs/images/ceps\\_web/policymaking\\_in\\_the\\_western\\_balkans\\_final.pdf](http://cep.org.rs/images/ceps_web/policymaking_in_the_western_balkans_final.pdf)

<sup>51</sup> *Ibid*.

Overall, as the accession process of the whole region accelerates, qualitative and quantitative information processing and proper situational assessment will certainly matter more than ever for proper decision-making. Evidence-based, impartial and substantiated input should go into the government's work and that is where think tanks, as a special type of CSOs, can provide the highest added value.

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Evidence based policy making and promotion of EU integration lie at heart of TEN. TEN members are think tanks from Western Balkans, brought together by the values of good governance and rule of law as primary drivers of the development of our societies.

This cooperation will aim to promote openness and transparency as well as partnership – another set of principles crucial for development and intrinsic to the EU legal system. At the same time, TEN members seek to establish themselves as “honest brokers” of the governments of their countries, thus balancing the role of partners in development and reforms and that of watchful scrutinisers of their actions. Furthermore, TEN members have agreed to promote excellence in policy research. They will thus collaborate and exchange practices with the aim of expanding the scope and further improving the quality of methodologies applied in both joint and individual research projects.



The members of TEN are think tanks with solid policy research portfolios and policy communication and advocacy capacities:

European Policy Centre (CEP), based in Belgrade, Serbia;  
 Institut Alternativa (IA), based in Podgorica, Montenegro;  
 European Policy Institute (EPI), based in Skopje, Macedonia;  
 Institute for Democracy and Mediation (IDM), based in Tirana, Albania;  
 Group for Legal and Political Studies (GLPS), based in Pristina, Kosovo;  
 Foreign Policy Initiative BH (FPI), based in Sarajevo, Bosnia and Herzegovina.