

Accession Negotiations between Serbia and the EU: Involvement and Engagement of CSOs



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Republic of Serbia has opened the accession negotiations on January 21, 2014. The screening process ended in March 2015, while first chapters were opened in December 2015. By late 2019, Serbia has opened a total of 17 chapters, but closed only two of them (Chapters 25 and 26). Thus far, Serbia has not managed to close any chapters for which closing benchmarks are established or to open new chapters for which opening benchmarks are established. In September 2019, chief negotiator prof Tanja Miscevic left the negotiations team after having spent six years at its helm.

Generally speaking, inter-party dialogue, public communication and public debate are at record low level in Serbia. In its **2019 Progress Report**, the Commission recommended that: “authorities should put more emphasis on objective communication about the EU” and “further efforts are needed to promote EU values in Serbian public debate and in education”.

[1] Additionally, pro-government tabloid press occasionally labels CSOs as traitors of the country. This situation affects performance of the role that CSOs have in Serbia’s accession process.

In Serbia, involvement of CSOs is viewed as being versatile:

01.

Participation of CSOs gives **greater legitimacy** to the accession process. Given that EU accession will affect all spheres in the society, it is not only for the government to draw legitimacy for the accession process from the elections, because this is a task for wider societal platform that also involves non-political actors.

02.

Monitoring the government is necessary in all areas of work, but in regard to EU accession this role of CSOs is amplified by the need to ensure that the EU accession process, which has high level of acceptance[1] in respect to reforms, is not misused to promote the government’s agenda unlinked to EU accession. CSOs in Serbia regularly publish shadow reports (Coalition PrEUgovor focuses on Chapters 23 and 24, while Coalition 27 focuses on Chapter 27) and the annual book of recommendations (National Convention).

[1] Vladimir Međak, PhD is Vice President of the European Movement in Serbia.

[2] 2019 Progress Report for Serbia, pp. 7 -8

[3] According to the public opinion survey conducted by the Ministry of EU Integration in June-July 2019, 68% of the population in Serbia supports the EU-driven reform agenda regardless of the fact whether Serbia would become member, slide 18 (available only in Serbian language): http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanje_javnog_mnjenja/javno_mnjenje_jul_19.pdf

03.

The public needs to know (transparency) and CSOs are in the best position to demand and to ensure such transparency. Decisions taken in the accession process will have long-lasting effects (sometimes for decades to come) and the public has the right to know what is agreed and why.

05.

Better testing of government's ideas is necessary in order to question their ideas. CSOs have specific angle of looking at things which is not driven by the election cycle and electoral logic, as is the case for the government.

07.

More promoters of the idea. Involvement of CSOs is highly important to reach public consensus about the necessity to join the EU. Having most non-governmental actors on the same side with the government on this issue is crucial in order to ensure successful reform process and to advocate for accession both, in the country and with the EU.

04.

Facilitated exchange of information, due to easier access to CSOs and easier acceptance of information provided by CSOs among those that do not support the government, but support the EU accession process.

06.

Utilization of all resources in the state is of essential importance for successful negotiations, in particular for smaller countries with small administrations. Involving all organisations and individuals that could contribute towards the common goal, regardless of their professional affiliation, is essential. Sometimes, CSOs can be better positioned to engage these forces, unlike the government.

It must be stressed that public support for EU accession in Serbia is the lowest compared to the other Western Balkan countries and stands at 50% to 55%, depending on positive/negative developments within the process.[1] As mentioned earlier, CSOs in Serbia regularly publish shadow reports and recommendations to the government aimed to improve the process and internal reforms. Unfortunately, communication to the public is not pursued as joint effort and CSOs mostly communicate separately from the government. Additionally, as noted by the Commission, authorities should put more emphasis on objective communication about the EU, in order to have a synergetic effect that is essential for this process.

It should be noted that CSOs in Serbia are not integrated in the negotiations structure and negotiation groups. The government has constitutional authority and the right to lead accession negotiations, while CSOs serve as check-and-balance and early warning system when matters are not pursued as they should. In Serbia, it was viewed as essential for CSOs to perform their watchdog role and control the government from outside. At the onset of negotiations there was common understanding that participation of CSOs in negotiation groups would jeopardise their position as non-governmental actors.

However, CSOs are officially part of the negotiations procedure. This has been ensured through joint agreement between the government and CSOs in 2013, in the wake of accession negotiations. In December 2013, the National Assembly adopted the Resolution on Role of the National Assembly and Principles in the EU Accession Negotiations of the Republic of Serbia. This resolution anticipated organization of plenary debates on EU accession every six months. The gentlemen's agreement between the government and CSOs was officialised and operationalised with the decision of the National Assembly's Committee on EU Affairs in 2014[1]. In doing that, the National Assembly became (at least on paper) the meeting point for deferent actors in Serbian society involved in the negotiations process. This was the best possible solution because the Assembly represents all citizens of Serbia and should be the main forum for debate on all issues of state relevance. Unfortunately, the National Assembly lost most of its credibility due to severe violations to the Rules of Procedure and the Law on the National Assembly by the ruling majority in 2017-2018, which resulted in some opposition parties' parliamentary boycott in late 2018. Procedural violations included breach of the Resolution on Accession Negotiations which stipulated that the Assembly will hold plenary debates on accession negotiations every six months. Not a single debate has taken place since 2014.

However, the Assembly did honour provisions under the decision that regulate involvement of CSOs in the negotiations process. Namely, the decision obliges the government to organize mandatory consultations with CSOs on negotiation positions under individual chapters before they are officially adopted and presented to the EU.

[5] Decision of the National Assembly's Committee on EU Affairs about the procedure for reconsideration of proposed negotiation positions in the EU accession process of the Republic of Serbia, June 4, 2014

Therefore, Serbia's negotiation positions are adopted in two readings at the government. First, the government adopts the draft position, which is presented to the National Assembly, where this draft is presented by the government to CSOs within the Committee on EU Affairs.

Then, the committee takes into consideration recommendations put forward by CSOs before adopting its position on the proposed negotiation position. Afterwards, the committee's decision is delivered to the government. In the second reading, the government takes into consideration official position of the Committee on EU Affairs and adopts the final text.

CSOs were also involved in the screening process. All explanatory screening meetings were open for CSOs to follow via live-stream. Bilateral screening meetings were not streamed. However, after these meetings, the negotiations team should brief CSOs on presentation of Serbia's position at said meeting.

Although this mechanism was jointly agreed, in the course of time and especially after the screening was completed, these consultations became formalistic without proper debate and exchange of proposals and ideas.

It should be noted that the procedure defines only the minimum level of CSOs involvement in the process. Nothing prevents the ministries to pursue regular consultations with CSOs that follow respective chapters in the course of developing negotiation positions and defining the government's position. Such contacts and debates were always encouraged by the negotiations team and CSOs. However, frequency and quality of debates depended on open-mindedness of heads of negotiation groups and of ministers. This part of the negotiations cannot be codified and solely depends on political climate in the country and on understanding of the common effort. For this process to be successful, political will and signals that debate is necessary have to come from the top of political structure in the country. Labelling CSOs as traitors does not help the process.

CSOs in Serbia organised themselves in three main clusters around specific chapters.

Main cluster is the **National Convention**.^[1] It includes around 700 organisations, institutions and individuals, organised into 21 working groups around thematic blocks that reflect the structure of negotiation chapters. It publishes the annual book of recommendations for the government. The National Convention's plenary sessions are organised at the plenary hall in the National Assembly, with participation of the Parliament Speaker, Minister of EU Integration and, in 2019, the President of State.

The Coalition **PrEUgovor**^[1] is specialised in Chapters 23 and 24. This coalition has seven members specialised in these areas and they publish monthly bulletins and six-month shadow report on relevant state-of-affairs. Also, the Coalition participates in the work of the National Convention.

The **Coalition 27** monitors negotiations for Chapter 27: Environment.^[1] It has eleven members and publishes annual shadow reports on progress in accession negotiations, but also prepares contributions for the EU Annual Progress Report.

[6] <http://eukonvent.org/>

[7] <http://preugovor.org/en/Home>

[8] <http://eupregovori.bos.rs/progovori-o-pregovorima/inicijativekoalicijeplatforme-civilnog-drustva/1503/2016/02/02/koalicija-27.html>

It could be concluded that although the initial concept of involvement was jointly decided and well-developed to ensure wide platform that allows broadest possible participation and inclusiveness, lack of political will and slow-paced reforms attributable to the government have led to deterioration of this concept. The government's poor information campaign on EU, lack of debate on the public service broadcaster and at the Assembly, but also closed access to the media with national frequencies to actors non-affiliated with the government has led to poor information for the public about the EU accession process. To great extent, this situation prevents CSOs to fulfil their abovementioned roles in the EU accession process. The government's non-acceptance of all and any criticism, lack of dialogue on numerous aspects and high tensions in the society additionally narrow the field for action of CSOs in Serbia.

However, several conclusions can be drawn from Serbia's experience:

01

Existence of political will for internal dialogue by the government is *conditio sine qua non* for successful EU accession process;

02

Accession is an endeavour of the entire society, not just the government, and therefore all segments of the society should be included (in adequate manner and with adequate roles);

03

CSOs are inevitable actors in this process and the government should embrace, not alienate them;

04

CSOs serve as check-and-balance to the government, and therefore their watchdog duty and reason for existence would be compromised if they become integral part of the government's negotiations structure.



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union.