

Exploring the Effects of Europeanization on the Openness of Public Administration in Croatia

*Igor Vidačak**

*Marina Škrabalo***

UDK

UDK: 35.072.6(497.5)
339.923:061.1>(497.5:4EU)

Original scientific paper / izvorni znanstveni rad

Received / primljeno: 6. 9. 2013.

Accepted / prihvaćeno: 21. 3. 2014.

The paper aims to contribute to understanding the effects of Europeanization on the openness of public administration in Croatia. EU accession negotiations process has a very limited impact on »soft acquis« area of good administration, unless it manages to create strong incentives for key »norm entrepreneurs« to get activated. Despite an increasing number of EU-driven opportunity structures, the involvement of citizens and interest groups in the essential agenda-setting phase of the policy making process remained rather limited during Croatia's EU accession. Due to specific features of the country's membership ne-

* Igor Vidačak, PhD, research associate, Director of the Government's Office for Cooperation with Non-Governmental Organizations of the Republic of Croatia (znanstveni suradnik, ravnatelj Ureda za udruge Vlade Republike Hrvatske, e-mail: igor.vidacak@uzuvrh.hr)

** Marina Škrabalo, senior advisor at the Research Centre of GONG (viši savjetnik Istraživačkog centra GONG-a, e-mail: marina@gong.hr)

gotiations, many interest groups were provided with new opportunities to play a more decisive role in policy monitoring and evaluation phase and strengthen their visibility in domestic policy-making environment. The paper offers some preliminary insights into key catalysts and constraints shaping the efforts towards open administration in the pre-accession period, as well as into sustainability of these efforts during post-accession.

Key words: Europeanization, public administration, openness, transparency, civil society, EU accession

1. Introduction¹

Openness, transparency and participation have been widely recognized as essential characteristics of modern democratic governance and fundamental principles and values of European administrative space that are guiding the activities and reforms of national public administrations in the European Union member states and candidate countries. The benefits of opening public administration have been identified, among others, in ensuring the public scrutiny of administrative processes and outcomes, increasing accountability, encouraging active citizenship and strengthening more inclusive policy making. Although being an integral component of many official EU strategic documents and recommendations for candidate countries, the impact of the EU accession on improving the openness of public administration has not yet attracted adequate attention of researchers interested in the dynamics of pre-accession Europeanization and durability of the patterns of candidate Europeanization in the post-accession stage. As most EU norms in the field of good governance are not standardized and do not form part of formal *acquis communautaire*, measuring and tracking the progress in the field of the openness of public administration is quite challenging in itself. For the purpose of this paper, we will consider open administration as the broader concept encompassing both transparency and participation and will seek to address two basic questions – to what extent the EU accession process has contributed to greater transparency of the Croatian public administration, and whether

¹ All views expressed in this paper are those of the authors, in their individual capacities.

it has enabled more active participation of citizens and interest groups in public policy making processes? In order to answer these questions, we first offer a theoretical discussion on the concept of open administration and its place within emerging literature on potential influence of Europeanization on domestic institutional change. Then we make some preliminary empirical insights by presenting the findings of previous research, as well as the analysis of various strategic documents, legislative acts, government and parliament reports and minutes in the light of proposed conceptual framework. We rely on findings of interviews with key policymakers and other stakeholders, but also draw on our personal experiences of direct engagement in the accession process, in different roles – as policy proponents and implementers, advocates and monitors.²

First, it is argued that the EU accession negotiations process does not have a strong transformative impact on transparency of public administration unless it manages to create incentives for political actors, acting as gatekeepers, to open them up, as well as for the key social groups and non-state actors to get activated and demand access to decision making. Second, it is claimed that, despite an ever-increasing number of the EU driven opportunity structures, the involvement of citizens and interest groups in the essential agenda-setting phase of the policy making process remained very limited during Croatia's EU accession process. Third, due to specific features of the accession negotiations, marked by the system of benchmarking and strong reliance of the EU institutions on the independent sources of data on the actual implementation of the EU acquis, many interest groups were able to play a more decisive role in mon-

² In addition to his research related to interest groups in Croatian and EU policy processes, as the Head of the Government's Office for Cooperation with NGOs, Igor Vidačak has been involved in participatory formulation and monitoring the implementation of the policy agenda on strengthening civil society-government relations and consultations in the EU accession process, programming the pre-accession assistance and improving transparency of government policy-making and funding for CSOs. Marina Škrabalo has, on the other hand, held a double role of social development consultant, conducting a number of evaluations of CSO projects funded by the EU, as well as activist affiliated with advocacy CSOs such as GONG and Centre for Peace Studies, which formed a joint watchdog coalition monitoring the closing the negotiations in Chapter 23, currently known as Platform 112. The empirical component of this paper combined the findings of several applied policy research projects, including a survey and focus groups on the Croatian civil servants' perceptions of their EU competences, commissioned by the Office of the Chief Negotiator (Škrabalo, Miošić Lisjak, 2010), a discussion paper on transparency of the Croatian EU accession commissioned by the European Parliament Green Group/European Alliance (Škrabalo, 2012a) and an assessment of the openness of the Croatian parliament, commissioned by Friedrich Ebert Stiftung (Škrabalo, 2012b).

itoring policy implementation and strengthen their visibility in domestic policy-making environment. Fourth, although the EU is relying on many communication and assistance instruments to encourage candidate countries to comply with »soft« measures and standards in the field of good administration, these efforts need to be combined with more strict conditionality, rigorous monitoring of precise indicators in order to achieve desired transformation and more sustainable effects in the post-accession period.

In the first part of the paper, we elaborate the theoretical and conceptual framework for analysing the impact of Europeanization on the openness of public administration. The next section brings the overview of essential characteristics of the EU accession process with implications to public administration's openness. Sections IV–VIII summarize key results of our research on the influence of Croatia's EU accession on transparency and participation. Section IX concludes with key lessons learned from the process that could be of use for shaping future EU policy in forthcoming enlargements.

2. Theoretical and Conceptual Framework for Analysing the Impact of the EU Accession Process on Openness of Public Administration

The continuously growing literature on Europeanization has predominantly focused on different approaches of explaining the influence of European integration on domestic political and social change. We will approach this concept as a »process of incorporation in the logic of domestic (national and sub-national) discourse, political structures and public policies of formal and informal rules, procedures, policy paradigms, styles, »ways of doing things« and shared beliefs and norms that are first defined in the EU policy processes« (Radaelli, 2003: 30; Moumoutzis, 2011: 612).

Many studies consider the gap between European and domestic institutional structures as a key catalyst for domestic change (Héritier et al., 1996; Knill, 2001). Depending on the extent and nature of this gap, pressures for adaptation to European »way of doing things« appear in the member or candidate countries. Two most frequently used instruments for explaining the process of adaptation are conditionality and socialization, and these have been systematically analysed by a number of schol-

ars (Borzel, Risse, 2000; Checkel, 2001; Grabbe, 2001; Schimmelfennig, 2008; Schimmelfennig, Sedelmeier, 2004; Sedelmeier, 2008, 2011). While conditionality is based on rational approach of actors following the logic of consequences and adopting the European norms based on potential cost-benefit assessments, socialization is based on the sociological (or constructivist) institutionalism arguing that actors will follow the logic of appropriateness, and will adopt the relevant norms and laws not because they have to, but because these rules become internalized and a conviction gradually develops that they represent the most socially acceptable way to act (March, Olsen, 2004). The socialization approach also implies that domestic change arises from the process of learning from own experiences of socialization in European networks, institutions and cooperation schemes, but also by learning from the experience from others.

A number of analyses of the last EU eastern enlargement rounds have brought some evidence of considerable changes resulting from the EU efforts to influence administrative practices in candidates and transformation of formal rule emerged from conditionality (Dimitrova, 2005), but also a number of examples of inconsistent use of conditionality (Lipert, Umbach, 2005; Pridham, 2005; Meyer-Sahling, 2006, 2009). Nevertheless, some researchers emphasize that in the areas with the lack of intra-EU rules and less direct conditionality, the influence of the EU and other international institutions has relied more on socialisation strategies emphasised in constructivist analyses (Sedelmeier, 2011: 23).

An argument in favour of socialization approach is a strong presence of potential change agents or norm entrepreneurs (Borzel, Risse, 2000), linked to transnational epistemic communities in this area, which continuously try to educate and influence governments in candidate countries. We will agree with the scholars arguing that the two Europeanization models are not mutually exclusive but rather complementary (Sedelmeier, 2011: 11), especially when approaching the complex dynamics of institutional adaptations and behavioural changes of national administrations, taking place in the context of the EU accession. As two complementary forces of Europeanization, conditionality and socialization lead to outcomes that are hard to predict in terms of institutional change, as the two play out in a complex field of contingencies, ranging from political agendas of an array of the EU policy-making actors, well beyond the EC, the formal driver of the enlargement process, to the local political agendas, and equally important, residual administrative and political cultures of closedness, especially towards horizontally positioned policy actors. Conditionality and socialization each encompass a set of specific technologies of power.

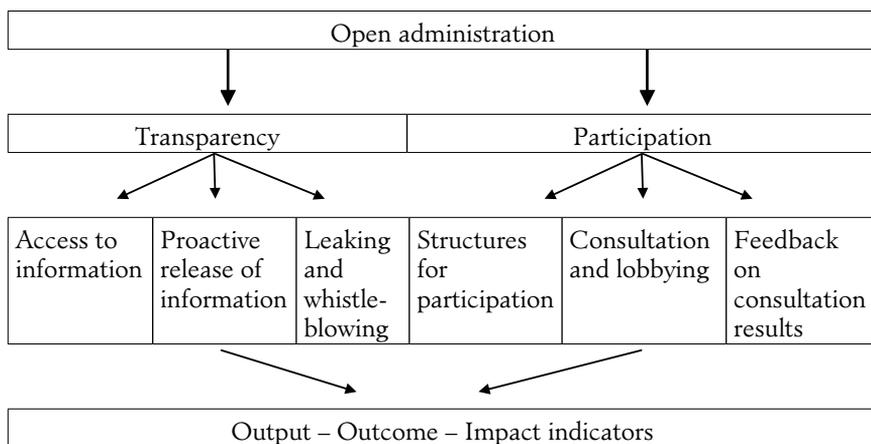
For instance, elaborating on policy monitoring, beyond the requirements posed to member states, is critical for credible conditionality, as a way for the Commission to overcome the information asymmetry, in favour of candidate countries (Sedelmeier, 2011: 14). Socialisation, however, requires a subtle approach on part of the EU, which on the one hand needs to invest in capacities of domestic proponents of Europeanization, such as civil society, media, without putting them in danger of delegitimation as »agents of foreign powers« on the other (Sedelmeier, 2011: 19). Full-blown Europeanization of public policies, beyond mandatory harmonization, requires strong states – capable of effective coordination and control over implementation, and strong civil societies – capable of mobilizing the public and independent experts to put pressure on the government and administration to deliver declared policy outputs and claim their rights through the accession process (Sedelmeier, 2011: 15).

The understanding of »Europeanization as institutional adaptation« in the candidate countries has caught the attention of many scholars. Some scholars point out the limits of transformational influence of the EU accession negotiations on the quality of governance (Grigorescu, 2002; Mungiu-Pippidi, 2008) especially when the membership negotiations do not manage to create sufficient incentives for domestic actors of change (Glenn, 2004). As pointed out by Sedelmeier (2011: 22), several recent studies put administrative capacities on equal footing with political preferences, as the key factor of the pace and success of EU accession. The EU has in fact become aware of it, as evidenced in strengthened conditionality in the more recent rounds of negotiations and attempts at visibility and legitimacy for administrative reform initiatives, such as anti-corruption, civil service or decentralization, which, nonetheless, remain dependent on »post-communist legacies, domestic opposition, the lack of a single EU model of administration, and inconsistent application of conditionality« (ibid.). Meyer-Sahling emphasizes that the EU pre-accession policy was not designed to achieve long-term effectiveness in the area of civil service governance mainly due to the low credibility of conditionality and lack of the EU *acquis* in the area of civil service reform, inadequate pre-accession management of civil service affairs by the Commission and the Council, but also due to the lack of direct effects of twinning programmes on the development of civil service capacity, as well as the absence of post-accession monitoring mechanisms preventing reform backsliding in the new member states (Meyer-Sahling, 2009: 78–79).

In order to analyse the effects of Croatia's EU accession on the openness of public administration, we will strongly rely on the approach to open

administration (see Brandsma et al., 2010), which considers openness as a broader concept encompassing both transparency and participation. Figure 1 below is an adapted version of the conceptual framework for measuring progress of open government suggested by Brandsma et al., modified especially concerning previous attempts to specify the key components of effective participation of citizens and interest groups in policy-making process.

Figure 1: Conceptual approach to openness of public administration



Source: Adapted from Brandsma et al., 2010

As a strategic attempt to resolve the problem of public distrust and disinterest in the EU policy process, open and participatory policy making have been promulgated by the 2001 White Paper on European Governance, as part of a shift towards more decentralized and flexible policy formulation, through broad information sharing, consultations and deliberation involving non-state and sub-national actors, geared towards more coordinated yet flexible and revisable policies, making part of a particular EU mode of »new governance« (Scott, Trubek, 2002; Armstrong, 2002; Pollitt, Bouckaert, 2004). Its main purpose is to restore the legitimacy of the EU politics and bureaucracy – denounced as elitist and detached from the constituencies – and simultaneously improve the efficiency and quality of policies. A decade later, researchers' assessments of the democratic achievements of this effort to enhance participatory governance are mixed, yet with unison conclusion that a substantial transformation has not taken place due to unresolved tension between input and output

legitimacy and several structural deficiencies of societal representation such as problems of coordinated collective action, the EU's selectivity in interactions with interest groups and lack of clear indicators for satisfactory participation (Heidbreder, 2012). Civil society organisations have nominally strengthened their status as policy stakeholders, while online tools have actually opened consultations to the fullest. Access has mostly been ensured to those interest groups that can afford policy expertise and regular representation in Brussels, with questionable impact on engaging social citizens themselves and community-based civil initiatives in the EU politics (Heidbreder, 2012: 26). While there are some positive examples of simultaneous EU-level lobbying and grassroots organizing, such as among environmentalist groups, most evidence indicates a reiteration of the elitist model of policy-making, now also including a select group of professionalized CSOs (ibid: 19). Even though the EU has consequently stepped up its engagement and financial support to civil society in Central and Eastern Europe, this »test case of enhancing EU and national democracies by activating civil society from above« has shown only limited success (ibid: 10). While local CSOs were aptly integrated in the policy-formulation routines undertaken by the EU institutions, there is no evidence that in the post-accession period, civil society agency has deepened popular participation in policy-making and widened the public sphere where government policies across policy areas are deliberated and challenged (ibid.).

We will now discuss these components of openness of public administration in the context of Croatia's EU accession process and make some preliminary empirical inroads by presenting the findings of previous research in the light of the above conceptual framework. What follows is an attempt to structure the observations on barriers to transparency and meaningful participation in the accession process, gained from the authors' direct engagement in different aspects of the accession-related policy making, over the past decade (policy formulation, advocacy, implementation and monitoring), matched by the analysis of numerous official government and parliament documents, reports and minutes, as well as a series of qualitative interviews with current and former government and parliament officials closely involved in negotiations process and representatives of leading advocacy oriented civil society organizations (CSOs) working in key EU accession reforms related policy areas.

3. Distinct Features of Croatia's EU Accession Process and Their Implications for Openness of Administration

If key outputs are considered, the Croatian negotiations were a highly successful endeavour – the Government of Croatia closed the negotiations, signed the Accession Treaty and got the green light from the citizens who voted in favour of accession with two-third majority vote and turnout at the level of local elections. The political consensus survived all the government turmoil over the past seven years, including the veto posed by Slovenia, high-profile corruption scandals and investigations involving the ruling party. An enormous number of laws were passed under the EU label indicating that it was subject to harmonization. Croatian experts in the EU accession are highly respected and demanded in the region, the Government is willing to share its know-how, including the translation of the *acquis*. Furthermore, there is a functional coalition of NGOs monitoring the Government's performance in respect to the legacy of reforms in the area of the rule of law and fundamental rights (Chapter 23), as well as functioning institutional framework for government-civil society relations and public funding, so the Government of Croatia is also often recognized as a regional leader in supporting civil society development and opening-up to non-state stakeholders.

Without going into a detailed review of the Croatian accession process and the institutional structure for negotiations with the EU, it is important to point out that the entire process has taken almost a full decade. It began with Croatian submission of application for membership in February 2003, followed by granting the candidacy status in June 2004 and the actual opening of negotiations in October 2005. The negotiations were closed in June 2011, the signing of the Accession Treaty followed in December 2011, the referendum was held in January 2012³. It was followed by the intense procedure of ratifications in the EU member states accompanied by the final phase of the EC's monitoring of the fulfilment of remaining obligations in order to achieve full preparedness by July 1, 2013, date of Croatia's EU accession.

³ According to the official results of the Central Election Commission, 66.27 per cent of Croatian citizens voted in favour of Croatian accession to the European Union and 33.13% of votes were against the accession. The referendum saw a relatively low turnout, with only 43.51% of the electorate voting.

As evident from the observations made by Croatia's Chief Negotiator, the Croatian negotiations had the aura of an outstandingly complex, novel process that has stirred innovations in internal coordination and decision-making and mobilized maximum efforts from the entire administration and society as a whole. He points out that »the overall complexity of this multi-level exercise, with hundreds of issues kept on the table concurrently, requires adequate administrative capacities on the part of both Croatia and the EU« (Drobnjak, 2010). In order to deal with these challenges, an important novelty was the set-up of the Government Coordination for Negotiations, acting as the interface between the negotiation team, different ministries, the cabinet and the Parliament, facilitating political consultations beyond technical level. This is a common example of the EU accession impact on polity, more specifically, on its central executive structure, out of sheer necessity to manage the negotiations (Sedelmeier, 2011: 14). In the Croatian case, the new coordination mechanism represented an outstanding institutional innovation in the context of sectoral fragmentation, and few bureaucratic competences to proactively engage in horizontal management of public policies through joint policy analysis and harmonization of policy objectives (Petak, 2009).

The Negotiation Framework for EU accession negotiations of Croatia, adopted by the European Council in October 2005 (European Council, 2005) brought about significant innovations in comparison to the previous enlargement rounds, making the Croatian experience of unique relevance to other candidate and aspiring countries as well as to the European Commission (EC) itself. In terms of substance, additional attention was placed on institutional reforms pertinent to the strengthening of the rule of law, protection of fundamental rights and combating corruption, formulated as Chapter 23, yet opened at a late stage of the process. The key methodological novelty was the conditionality mechanism revolving around fixed, assigned tasks formulated as opening and closing benchmarks, leading to rather diverse and often unpredictable progress of negotiations in each chapter, especially at the closing stage. The focus was on ensuring and demonstrating necessary institutional and administrative capacities for policy implementation, often by means of time-bound strategies and action plans, indirectly reaching far beyond the formal harmonization with the *acquis* and penetrating into the political sensitive and path-dependent territory of administrative reforms.

At an early stage, the negotiations focused on the agreement about the dynamics of adjustment of the national legislation and implementation structures, including transitional periods and prolongations. At a later

stage, they primarily entailed intensive exchange of information and arguments on whether conditioned adjustments had been fulfilled in a satisfactory manner. Opening benchmarks (OBM) were defined by the EU on the basis of the screening process (analytical review of the national legislation compliance with the *acquis*), completed in October 2006 and were presented to the Croatian Government in side letters to the Screening Report, totalling in 23 OBMs for 11 chapters. Closing benchmarks (CBM) accompanied the EU Common Position on each chapter that was formulated by the EC and the Council Enlargement Working Group and approved by the General Affairs Council, with inputs from the member states, upon the review of Croatia's Negotiation Position on each chapter. Croatia received a total of 104 CBMs in as many as 31 chapters, which were in many cases more broadly defined than OBMs, focusing on actual enforcement of adopted legislation, and requiring a track record of satisfactory performance. The major part of negotiations in the final stage revolved around monitoring the fulfilment of CBMs by means of six monthly monitoring meetings and consultations with the EC, leading to Croatia's submission of the Final Report on the Fulfilment of Obligations under certain chapter, a reporting mechanism that was introduced *ad hoc* during the negotiations, initiated by the EC, as a basis for verification of the fulfilment of CBMs and the closing of each chapter at inter-ministerial conferences.

The complexity of negotiations' framework created an unprecedented burden for public administration. As emphasized by the Chief Negotiator, »the immense workload and continuous pressure to simultaneously ensure time-lines and quality has been a serious test for the entire administration« (Drobnjak, 2010). It was also quite challenging for national public administration to invest additional efforts in ensuring high standards of inclusive and open dialogue with all interested stakeholders, especially without any clear EU incentive in this direction.

The Negotiation Framework itself does not provide any reference to openness, transparency or participation or any guidance on the desirable or acceptable degree of confidentiality of the negotiation process, and therefore no formal incentives for political actors in this regard. It only states that parallel to accession negotiations, with the aim of enhancing mutual understanding by bringing people together, the EU will engage with Croatia in an inclusive cooperation that will also involve civil society (European Council, 2005). This implied that the EU would not proactively promote participation of civil society in accession negotiations process, but rather enable »parallel exchanges among CSOs and citizens«. As a

matter of fact, the challenges of openness, transparency and participation were only marginally addressed in the regular progress reports of the EC and most of the debates about these issues were held within the framework of the EU assistance programmes both for government (twinning) and CSOs, without any significant reference in political assessments of the quality and pace of the negotiation process.

As the organization and functioning of domestic politics and public administration, including the national consultation processes, is no formal competence of the European Union, the specific issues of openness and inclusiveness of the negotiations process were expected to be dealt with by key national strategic documents. The consensus of all Croatian parliamentary parties on the importance of open dialogue with all stakeholders on EU accession negotiations was confirmed by the adoption of the Declaration on the Fundamental Principles of Negotiations on Full Membership of the Republic of Croatia in the European Union as well as by the Statement of the Croatian Parliament and the Government of the Republic of Croatia on Joint Actions in the Process of Negotiation on Membership of the European Union (January 2005). Both documents explicitly refer to the importance of »open and transparent conduct of negotiations process during which all interested stakeholders need to be ensured right to information and dialogue, through National Forum on Croatia's EU accession and other initiatives, in order to enable wider public to express opinion on conditions under which the country will join the Union.«

The setting up of the operational structure for negotiations was left to the Government⁴ which included the Chief Negotiator's Office, Negotiation Team (13 negotiators each in charge of several chapters) supported by the Negotiation Secretariat as well as Working Groups for the Preparation of Negotiations, engaging over 1800 experts one third of whom came from outside public administration (mostly from business, academia and public institutions but also some from trade unions and civil society organizations), which has often been highlighted as the key indicator of inclusiveness of Croatia's negotiation structure, »designed to ensure

⁴ Regulated by the following Government decisions: Odluka o uspostavljanju strukture za pregovore o pristupanju Republike Hrvatske Europskoj uniji (OG 49/05, 46/06, 41/08) and Odluka o imenovanju članova Državnog izaslanstva Republike Hrvatske za pregovora o pristupanju Republike Hrvatske Europskoj uniji, članova Pregovaračke skupine za vođenje pregovora o pristupanju Republike Hrvatske Europskoj uniji, voditelja radnih skupina za pripremu pregovora po pojedinim poglavljima pregovora – pravne stečevine Europske unije, članova Ureda glavnog pregovarača i članova Tajništva Pregovaračke skupine (OG 49/05, 120/05, 13/06, 135/06, 18/08, 92/08, 114/08, 125/08, 39/09, 7/10, 14/10, 33/10, 55/10).

transparency, quality, and efficiency, while maintaining the didactic value of the process as well« (Drobnjak, 2011). Indeed, the Croatian negotiation structure was unique and entailed several innovative elements with potential to foster transparency and inclusiveness of the entire process, at the level of political elite and society as a whole.

However, it is exactly the outreach of the political and administrative elites to the citizens that has turned out to be the weakest aspect of the accession process. From the perspective of meaningful and politically autonomous involvement of civil society in the accession process, the Government Communication Strategy, adopted in 2006 and in place until the pre-referendum period, provided little guidance and resources. Namely, as elaborated in its expert analysis commissioned by GONG in 2011 as well as by communication experts (Tomić, Jugo, 2011; Ivanović, 2011), the Communication Strategy focused on mobilizing public support for EU membership and was primarily envisioned as a set of one-way awareness-raising activities, through a number of multipliers, including the academia and the educational system. Its purpose was not to foster public debate on the strategic issues and concerns related to the future of Croatia in the EU and the EU's future itself, where diversity of opinions and arguments would be articulated and exchanged. In practice, it also meant that Eurosceptic perspective, alerting the public of the potentially negative aspects of the EU accession, was marginalized in mainstream public discourse and in terms of state funding available for civil society initiatives. Despite public criticisms of the Strategy by academics and CSOs of different stance, the inadequacies and actual effects of the Communication Strategy have not been seriously addressed in the political arena, neither by the Government nor by the Parliament. Croatian Parliament has never even debated its relevance or implementation. In retrospect, »civil society should have pushed the Government much harder, but also the public radio-television, to present and implement a decent communication strategy geared towards informing the citizens about the EU, as opposed to manoeuvring short term propaganda tactics«. ⁵

In general, the legacy of the negotiations entailed a high degree of citizens' distrust in state institutions, a large number of citizens who felt inadequately informed about the EU just prior to the referendum, and a general feeling that the full potential of democratization, as an important

⁵ Interview with Jelena Berković, Head of Communications of GONG and former political journalist, April 2013.

outcome of Europeanization, was not realized. According to the results of a survey on Croatian citizens' opinion on Croatia's accession to the EU conducted in July and August 2012, self-assessment of the level of citizens' information about the EU indicated that 15% of them found themselves well informed, 39% thought they had not been sufficiently informed, while 73% of the respondents had never even tried to inform themselves about the EU.⁶ Not understating the efforts made by a portion of state administration, experts and politicians, as well as some watchdog initiatives, Croatia's accession ended up as an elitist project, still only vaguely understood and remote from the everyday realm of Croatian citizens. The following sections will provide some insight into key weaknesses in the transparency and inclusiveness of the EU accession process, leading to missed opportunities to ensure sustainability and quality of reforms and most importantly public ownership and trust of this complex, historical process of Croatia's modernization that has thoroughly reconfigured its policy landscape.

4. Unclear »Rules of the Game« on Access to Information, Lack of Proactive Timely Public Disclosure and Minimum Leakage of Information

Despite the fact that proactive release of public data, access to information, communication with citizens, accountability and related good governance standards and practices were not subject to strict conditionality in the EU accession process of Croatia, the context of Europeanization, existing national structures for multi-stakeholders' dialogue and continuous exposure to international expertise (OECD, SIGMA, Council of Europe, etc.) contributed to rising expectations among representatives of the interested public on the transparency of the EU membership negotiations, as well as on the acceptable models of interaction between civil society and governmental actors in the national decision-making processes (Vidačak, 2001).

⁶ The survey, commissioned by the EU Delegation, was carried out by Ipsos Plus agency between 20 July and 7 August 2012, on a sample of 1,022 respondents. Summary of the results of the survey can be found at: <http://www.delhrv.ec.europa.eu/?lang=en&content=4304>

A comparative insight into EU accession negotiations experiences of the countries of Central and Eastern Europe from the previous EU enlargement rounds (Maršić, 2006; Brusis, Emmanoulidis, 2000) does not allow for the establishment of a meaningful standard regarding the timing and extent of public disclosure of negotiating positions. On the one hand, the Slovenian Government asked the Parliament for mandates on each chapter of the negotiations, involved civil society organisations, interest groups and independent experts in formulating negotiating positions, and made all positions available for general public. Basically, each negotiating position was discussed with NGOs at public conferences, and only then sent to the Government, to the Parliament and finally to Brussels (Brozina, 2001: 62). However, the Hungarian and Polish Governments treated the negotiation positions as confidential until their submission, not only for NGOs, interest groups and the general public, but also for parliamentary deputies. In view of rather close and intensive cooperation between Slovenian and Croatian civil society organizations and other interest groups, the advanced performance of the Slovenian Government in regard to partnership with civil society and proactive release of information on EU accession negotiation positions (see Fink Hafner, Lajh, 2003; Brozina, 2001) was regularly invoked by the Croatian civil society as an example the Government should follow.

As already mentioned, the Negotiation Framework for Croatia did not specify any expectations regarding transparency of the negotiation process, or for that matter, the specific purpose and scope of confidentiality of information exchanged between the EU and the candidate country, both at the executive and parliamentary levels. While the Croatian Parliament did make some declarative moves in the direction of invoking transparency, few of them translated into a clear policy on how much informed engagement of civil society and the public was expected in the negotiation process and under which terms.

Most importantly, there was no written policy on public access to information directly related to the negotiation process, defined by either the Croatian Government or the EC. Information on the technical procedures of negotiations – for example, which documents were to be prepared by which bodies, within which timeline and how they were being adopted – was lacking or it was not proactively provided, which in turn disabled external attempts to request access to more detailed information and policy influence. Although the Government adopted a decision on the procedure of preparation and adoption of negotiation positions, specifying the role of government agencies, different negotiation bodies and

the Parliament, this protocol, instrumental for internal policy coordination and administrative efficiency has never been published either online or in the Official Gazette.⁷ For actors of organized civil society, this was an indicator that the negotiation process was directed toward the government bodies, the specialized parliamentary committee (as the most open entry point) and the EC, and not toward the interested public. There is a common impression among interviewed representatives of CSOs that the Government, with silent approval of both the Parliament and the EC, drew an unspoken, yet firm demarcation line around the negotiations, keeping the public at a safe distance, provided by a lack of information on the technical proceedings.

Timely insight of non-state actors into the negotiation process and its key contents was hindered by the fact that the documents produced by the EC and other EU institutions, such as the Screening Report, the EU Common Position or opening and closing benchmarks were not the property of the Republic of Croatia. Therefore, the Croatian Government claimed at the closing of negotiations that it had no authority to disclose them and that attitude was supported by the EC.⁸ At the same time, the EC did not proactively disclose the documents (or their summaries). The chronic lack of public knowledge of the contents of all benchmarks was an aggravating factor in undertaking systematic independent policy monitoring by civil society and the media, even though such activities and independent information were, nevertheless, encouraged and financially supported by the EU.

The most striking development related to the information policy on negotiations was the fact that most information was kept outside public reach, despite the absence of written policy in this specific field. Namely, based on non-formal, mostly verbal instructions on part of the Negotiation Team and the Government, an enormous amount of documents was consistently kept outside public view by literally thousands of public servants, experts and politicians involved in the preparation of negotiation positions and benchmark-related documents such as action plans. The

⁷ Odluka Vlade Republike Hrvatske o postupku izrade i usvajanja Pregovaračkih stajališta Republike Hrvatske u pregovorima o pristupanju Republike Hrvatske Europskoj uniji, kl. 910-04/00-03/06, ur. br. 5030109-05-30 od 15. travnja 2005. i ur. br. 5030109-06-18 od 20. travnja 2006.

⁸ See the Statement of the then Minister of Foreign and European Affairs, Goran Jandrokovic »Otvoreno«, HRT, 20 September 2011: <http://www.tportal.hr/vijesti/svijet/149548/Pusic-Moglo-se-objaviti-dijelove-pregovarackih-stajalista.html>

adherence to the informal norm may be attributed to the high esteem of the negotiation process and strong sense of commitment across ranks to the protection of national interest of ensuring Croatia's negotiating position and making the negotiations move forward smoothly. In practice, it meant that all EU accession related documents, other than legal drafts, were discussed and adopted at closed Government sessions, for which not even agendas were available (all the way until the change of Government in 2012, upon the closing of negotiations). The power of this informal norm meant that outside actors could not know what documents they should focus on. In view of continuous promotion of the new European standards of open, interactive and inclusive policy making through various EU-funded projects in Croatia, but also knowing the advanced performance of the Slovenian Government concerning proactive release of information on the positions in the EU accession negotiations (see Fink Hafner, Lajh, 2003), these developments were the source of continuous frustration for CSO activists in Croatia.

At the parliamentary level, members of the National Committee received all relevant documents including draft negotiation positions, again under premise of the same informal norm, which they seem to have mostly respected and did not tend to share the documents with their counterparts from the party caucuses or other committees, who, *nota bene*, did not receive the documentation, even when it related to their policy area, yet without any serious political attempt on part of any parliamentary committee or party caucus to claim access (Škrabalo, 2009).

Differently from other political affairs, there were few leakages to the public, and when they did happen, it was evident that they came from top down, in order to prevent some potentially damaging decisions. Perhaps the most visible case of leakage of the contents of a negotiation position was the information that leaked from the session of the parliamentary National Committee on special tax exemptions negotiation for the benefit of the Catholic Church, tobacco industry, and war veterans in July 2007. It provided grounds for an ad hoc civil society initiative that demanded public disclosure of all negotiation positions, with the argumentation that the case shed serious doubt about the public interest being safeguarded in the negotiations. In addition to an open letter to the National Committee and the Government, which resulted in no Government action, the initiative entailed a formal request for information submitted on July 16, 2007 in line with the 2003 Freedom of Information Act (FOIA) to the Ministry of Foreign and European Affairs, on behalf of a CSO activist specializing in FOIA. The Ministry passed the request to the Government, which turned

it down on August 2, 2007, referring to Article 8.2 of FOIA stating that public authorities could deny access to information on the ground that its disclosure could disable efficient, independent or autonomous conduct of a court, administrative or other legally defined procedure, the execution of a court decision or a sanction. The Government provided further justification that the disclosure of negotiation position might influence efficient, independent and unbiased conduct of the complex negotiation procedure and the protection of interest of the Republic of Croatia as a party to these negotiations. Due to the lack of complaint procedure entailing public interest test, CSOs activists concluded that it made no sense to push the case further to the Administrative Court since at that time freedom of information had still not been included among constitutional rights (which took place in 2010).

Hence, the only avenue at activists' disposal was pressing the Government to disclose information on a voluntary basis, which did not happen until the final stage of negotiations. In May 2011, after several months of intense advocacy on part of a group of CSOs monitoring the closing of negotiations in Chapter 23, the Government disclosed the final report on fulfilment of negotiation obligations in Chapter 23, at the time when the closing of the Chapter was more certain than ever. In September 2011, upon the closing of negotiations in June 2011 and at the beginning of the election campaign, the Government disclosed all of its negotiation documentation, with the exception of the EU Common Positions, which were made available at a later date, during the referendum campaign. Eventually, the major part of negotiation documentation was made available to the Croatian citizens prior to the referendum, so the request posed by civil society organizations was nominally fulfilled, yet without any effect on the capacity of the public to deliberate and influence the negotiations. The disclosure of documents had a limited, if not symbolic function in the short time frame of the referendum campaign, where studying and debating about the original documents made less sense than consulting several comprehensive reviews of the outcomes of negotiations.

Paradoxically, the fact that negotiation documentation was not formally classified hindered access to information. Namely, had some of the information (or entire documents) been classified in line with legally bound and publicly known set of criteria and procedure, the interested public could also submit requests for declassification, in line with the Data Secrecy Act (OG 79/07, 86/12). While the issue has not been inquired into full detail, according to the representative of competent body for data classification – the Office of the National Council for Security, there were

no requests posed to the Office for declassification of information, or any requests for guidance or education initiated by the Government negotiation structures on the issue of confidentiality of negotiation documentation throughout the entire accession process.

To sum up, the lack of proactive public disclosure of key negotiation parameters on the part of the EC and the Croatian Government represents a missed opportunity for enhancing the quality of information on Croatia's performance, with little added value for the negotiation parties, considering that the benchmarks were non-negotiable anyway, and a large part of the late-stage accession communication process between the Croatian Government and the EC revolved around submitting and approving evidence of their fulfilment.

5. Structures for Participation of Interest Groups in the EU Accession – Substitutes for the Lack of Genuine Dialogue?

The number of EU-driven »domestic opportunity structures«, defined by scholars as »how open or closed domestic political institutions are to domestic social movement or NGO influence« (Sikkink, 2005) increased substantially during the Croatian EU accession negotiation process. Despite the multiplication of access points for interest groups to take part in policy-making processes, we argue that the involvement of citizens and interest groups in the essential agenda-setting phase of the policy-making process remained rather limited during Croatia's EU membership negotiations. In addition to the weak legislative framework for access to information and proactive release of policy documents, the lack of clear procedures for public consultations and prevalence of urgent legislative procedures were the key obstacles to a more meaningful participation of interest groups in the EU accession-related policy shaping in Croatia.

The mechanisms of involving the interested public in public policy making during the EU accession negotiations were basically twofold: 1) focused and rather closed structures with fixed membership such as negotiations working groups, the Parliament National Committee for monitoring the EU accession, EU-Croatia Joint Consultative Committee, various advisory bodies and standing committees across different state bodies; and 2) open methods, such as internet consultations, public meetings and de-

bates (often bottom-up driven by CSOs) and the National Forum on the EU accession.

The case of working groups for the preparation of negotiations, as the most important access point for the majority of interest groups, is particularly instructive for the need for clear procedures. Namely, the working groups engaged a large number of external experts from academic community, business, social partners and wider civil society (close to 600) who were proposed by the Government Coordination for Negotiations, based on the assessment of necessary specialist knowledge, primarily for the screening process and, in some cases, for the preparation of negotiation positions. The names of all members were published and kept online throughout the process on a specialised webpage set up by the Ministry of Foreign and European Affairs (www.eu-pregovori.hr). Yet, as interviews confirmed, the members did not have any written description of their obligations, scope of engagement, and guidelines on how to manage information. The degree of their engagement and internal communication primarily depended on the coordination and leadership style in each group. There were cases where the role of working group members was practically reduced to initial inputs for screening, without any direct contribution to or insight into draft negotiation positions, let alone the big picture of how the entire process would proceed. That provoked some frustration that their names and rating as independent experts or activists were primarily used for promotional purposes. In general, the more advanced the process of negotiations in certain chapters was, the more demanding it became for government bodies to maintain meaningful communication with external experts on many day-to-day technical and sometimes politically sensitive issues related to opening and closing benchmarks.

The National Committee for Monitoring Accession Negotiations of the Republic of Croatia to the EU was established as a special body for parliamentary oversight of negotiations, chaired by the opposition with equal number of members from ruling and opposition parties, also engaging one representative of academia, trade unions and employers, and the Office of the President respectively. The main purpose of the Committee was to ensure political consensus by means of regular consultations with the Chief Negotiator, the negotiation team, and the Government in the process of formulating negotiation positions to which the Committee provided opinions yet without veto power. The National Committee also monitored the progress of negotiations in each chapter, took an active part in liaising with the EC and the member states and organized a series of public round tables on specific issues. A clear indicator of the firmness

of political consensus was lasting support to the Chief Negotiator – appointed by the Parliament, based on consultations between the Prime Minister and opposition leader – reflected in his close collaboration with the National Committee that regularly praised the performance of the negotiation team in its annual reports.

The EU-Croatia Joint Consultative Committee (JCC) was set up in December 2006 within the framework of the Stabilisation and Association Agreement between the EU and Croatia in order to provide civil society organisations from both sides a formal channel for monitoring the accession negotiations and prepare Croatia's accession. It played an important role in promoting dialogue between Croatian CSOs and European Economic and Social Committee (EESC) members coming from social partners and various citizens' associations. Similar to experiences of the new member states from recent EU enlargement rounds (Pérez-Solórzano Borragán, Smismans, 2008), horizontal activities of JCC had the advantage of partially preparing and socialising the representatives of Croatian civil society organisations into the functioning of the EU and the EESC in particular. However, the dynamics of JCC meetings (twice a year) could not follow the accelerated pace of accession negotiations and therefore its influence on decision making on various negotiation chapters remained rather limited. Besides, the meetings of JCC were not open to wider public, media coverage of its activities was inadequate, and, consequently, the potential of this institutional mechanism for encouraging meaningful public debates on important EU accession topics was not fully used.

At the early stage of Croatia's EU accession process, from 2004 to 2007, the Ministry of Foreign Affairs and European Integration initiated multi-stakeholders' discussions within the National Forum on Accession to the EU, with the aim of familiarising the public with the benefits, as well as the challenges and obligations of membership. This project, shaped mostly on the similar Irish model, was dropped once the negotiations entered their most demanding part.

According to the analysis conducted by the Government Office for Associations in 2009 (www.uzuvrh.hr), the Government established more than 100 advisory, cross-sector bodies (committees, councils, standing working groups, etc.) involving more than 800 representatives of various organized interests in public policy-making in various sectors. In addition, Parliamentary working committees included more than 100 representatives of interest groups, whose selection was based on public call, serving

as permanent committee members and therefore enjoying regular access to decision-makers in the Parliament.

Among the perceived benefits of creation of numerous EU-driven opportunity structures for CSOs and interest groups was the contribution to the gradual change of political discourse on government-civil society dialogue as well as the to the change of perception and expectations on the acceptable norms of good administration («cognitive Europeanization»). However, due to accelerated dynamics of the EU accession negotiations and related legislative adjustments, such a wide spectrum of mechanisms for a structured dialogue with actors of organized civil society could not serve their desired purpose and started to be considered more as a substitute for the lack of genuine dialogue on the key issues of public interest. This is where the issue of administrative capacities for participatory and coordinate policy making comes into play as a critical factor for translating generally defined values and aspirations into actual governance practices. The challenge of timely Europeanization of the Croatian administration has been confirmed in the empirical research exploring civil servants' perceptions of the opportunities and barriers to their own competence development, relevant to successful performance in the context of the EU accession and prospective membership (Škrabalo, Miošić Lisjak, 2010). The findings have shown that Croatian civil servants directly exposed to the accession-related tasks are strongly aware of the deficiencies in their competences necessary for working in the multi-cultural and multi-level EU setting, building from inter-agency and multi-stakeholder communication and coordination in their own institutions. This change requires the transformation of the still dominant work culture of obedience to superiors to the culture of self-initiative, professional responsibility and team-work that can happen only if top executives themselves shift to strategic management, which has not featured the accession period (ibid).

6. Urgent and Overloaded Legislative Procedure Combined with Weak Provisions for Public Consultations

In practical terms, the strongest barriers to civil society's practical and timely impact on the accession process were the already mentioned urgency and magnitude of the EU *acquis* related legislative adjustments as well as the lack of clear provisions for public consultations. The urgent

legislative procedure, as a rule, allowed for only one reading in the Parliament, with often extremely short deadlines for parliamentarians to review the texts, let alone for meaningful engagement of a broader circle of the interested public. As highlighted in the 2010-11 SIGMA Assessment, »the 'urgent procedure' is abused and is not just affecting negatively law making: it is also lowering the quality of laws other than limiting consultation procedures (SIGMA, 2011)«. For illustration, since 2003, 522 laws have been harmonized, representing approximately a third of all adopted laws and regulations. Urgent procedure was applied in 80 per cent of the cases, rising from 67 per cent in the period 2000–2003, prior to negotiations, to 87 per cent in the peak negotiation period 2007–2011, during which almost a third of laws and regulations, mostly *acquis*-related, was adopted unanimously.

This »hurry-up atmosphere« created around legislative initiatives significantly narrowed down the space for meaningful participation of non-state actors at the early stage of agenda setting and policy formulation (Vidačak, 2011). If seen from the perspective of the economic theory of supply and demand (exchange) of public policy goods (Bouwen, 2001), one could say that the demand for CSOs' access goods (sectoral expertise, impact assessment feedback, mobilisation of members' support, etc.) was very low during the process of formulating EU accession negotiating positions, but also in formulating a large majority of legislative acts.

In the absence of mechanisms for open dialogue with the interested public on the key EU accession-related policies, the majority of capacities and efforts of leading »watch-dog«, advocacy civil society organisations were focused on demanding access to decision-making arenas and creating incentives for key government officials, acting as »gate-keepers« to open up, often with strong support from the media and EU-based CSO counterparts and networks.

An additional obstacle to more timely access to policy formulation and legal drafting at the level of line ministries was the lack of standards for public consultations, which were introduced only in November 2009, in the form of the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts, adopted by the Government. The application of the Code started in 2010 with 30 laws, other regulations and acts that had undergone public consultations, while in 2011 the number increased to 48 legal acts and 173 written contributions from the interested public. This was considered a positive shift in comparison to previous almost non-existent practice of

publishing legal drafts and seeking comments from the interested public. It is noteworthy that the actual adoption of the Code required enormous efforts on part of a number of domestic »change agents or norms entrepreneurs« in the field of good governance, both within the Government and CSOs. The Government Office for Associations, in cooperation with CSOs represented in the Council for Civil Society Development, prepared the proposal two years prior to its adoption, in line with the official measure of the National Strategy for Creating Enabling Environment for Civil Society Development 2006–2011. In July 2008, the draft Code was submitted to the Government for adoption but was taken off the government session agenda, with the justification that the proposed minimum standards might slow down the EU accession, i.e. the harmonization with the *acquis*. The key factor in its eventual adoption was the decision to list it among the measures of the Action Plan and the Anti-Corruption Strategy, treated as utmost pre-accession priority and regularly monitored by the EC. The troubled course of adoption of the Code on Public Consultations was a clear indicator of the gap between declaratory and actual practices of civil society engagement, also reflected in an extensive network of advisory bodies across various ministries, with little effect on the contents of policy making during the EU accession process. Despite the existence of strategic documents on transparent and participatory policy making, the actual lack of strategic approach, fully endorsed by the political elite, was evident in the fact that the critical issue of enhancing transparency of lobbying was not addressed within the scope of negotiations, while in the post-accession period the first drafting attempt was suspended. Similarly, the legal protection of whistle-blowers and investigative journalists disclosing indications of corruption was not improved systematically and adequately in the scope of negotiations, despite the EC's insistence on anti-corruption, echoed in fervent claims of utmost political commitments, especially after the demise of Sanader in 2009.

Another indicator of limited capacities of the state administration to enhance participatory policy making at the structural level was belated application of regulatory impact assessment (RIA) methodology during the accession process, even though it was first promoted as early as in 2003 by the Ministry of European Integration as a tool for timely identification of the economic and administrative consequences of legal harmonization. Yet, its actual application was limited to a couple of pilot projects. In 2005, after the change of Government, RIA was rediscovered by the team of close associates to the prime minister, but under a different rationale of reducing administrative burden for the business sector. Even though it

was formally introduced by means of the Government Rules of Procedure and accompanying assessment forms, in practice it was limited to basic fiscal assessments engaging government bodies. Hence, the potential of RIA to engage a broader circle of stakeholders, primarily the business community, in fine-tuning the accession adjustment requirements, was unmet. Similarly to the Code of Consultations, as reported in several interviews with civil servants, the delays in RIA were internally justified by the risk of its slowing down the EU negotiations. It is indicative that the Law on RIA, accompanied by inadequate institutional set-up was adopted only in July 2011, i.e. upon the closing of negotiations.

Nevertheless, due to the distinctive features of Croatia's negotiations process, based on strict and systematic benchmarking and reporting, the scope for organized interests' contribution and active participation increased significantly at the stage of implementation, monitoring and evaluation of public policies. Such a tendency was additionally encouraged by increasing EC's expectations for appropriate evidence of actual implementation of the adopted EU acquis. Again, in economic theory terms, the capacity to secure adequate feedback from constituencies, end-users or beneficiaries directly affected by new laws, or to produce reasonably independent shadow monitoring reports for the Progress Reports of the EC about the concrete implementation of new laws, provided non-state actors with valuable »access-goods« or entry tickets to domestic policy-making arenas. The demand for these »access-goods« could also be seen from the latest EU-funded grant schemes under IPA programme for Croatia,⁹ focused on building the capacity of civil society organizations for monitoring the implementation of the EU acquis in policy areas of pivotal importance for successful finalization of the EU accession process (Vidačak, 2011). These IPA grant schemes illustrate the fact that both the EU and the Croatian Government (which co-financed these CSO projects) recognized the contribution of watchdog and advocacy initiatives to building internal capacities for monitoring the key policy reforms and

⁹ This is clearly reflected in titles of all programs/grant schemes launched under IPA I component: IPA 2008 – Enhancing the capacities of the civil society sector for the monitoring of implementation of the EU Acquis; IPA 2009 – Enhancing the Sustainability and the Development of Civil Society Organizations (CSOs) as Proactive Social Actors in the Implementation of the EU Acquis; IPA 2010 – Assisting Civil Society Organisations in developing, implementing and monitoring public and Acquis related policies; and IPA 2011 – Active Civil Society for Ensuring Durability of Policy Reforms in Post-Accession Croatia. More information at: www.uzuvrh.hr

strengthening the credibility of the country's efforts undertaken during the EU accession process.

The national watchdog coalition Platform 112 – for Croatia of the Rule of Law,¹⁰ bringing together 70 civil society organisations, stemmed out of the joint monitoring of the closing of accession negotiations in Chapter 23, throughout the year 2011. The Platform 112 monitoring activities were enabled by the leakage of closing benchmarks, which provided a framework for detailed shadow reports focused on shortcomings in actual implementation of government commitments as well as on other problems in the policy fields that had not been adequately addressed in the scope of accession, e.g. reparations to civilian war victims or existence of state-capture laws such as the one on golf fields. The positive experience of this complex collaborative monitoring and outstanding responsiveness on the part of the media, EU officials, and (eventually) the Croatian Government, served as a basis for setting up a new government monitoring agenda just prior the 2011 parliamentary elections, with focus on reform tasks to be further pursued upon the accession, in respect to the rule of law, quality of democracy, anticorruption, protection of public good and human rights, peace building and dealing with the past. The positioning of the CSOs relevant stakeholders at the EU due to the accession monitoring was evidenced by high-level contacts with EU officials, especially during the ratification phase from December 2011 until July 2013, when Croatia was subject to additional monitoring on part of the EU. Hence Platform 112 established regular contacts with the top officials of the Delegation of the EU in Zagreb, DG Enlargement and EU member states' embassies, but also had several opportunities for individual meetings with high-level visitors to Croatia such as Vice President of the EU Šefčovič, EPs Rapporteur for Croatia Rouček, ministers of several EU member states and their MPs, upon their own request. In May 2012, representatives of Platform 112 met with Prime Minister Milanović agreeing on the necessity of further meetings with individual ministries that would deal with specific demands. Most importantly, Platform 112 managed to initiate an open thematic session of the parliamentary Committee on European Integrations, the first of its kind, devoted to the findings of the EC's Comprehensive monitoring report, where CSO representatives and experts were out on equal footing with MPs, posing questions to govern-

¹⁰ Information on Platform 112 activities is available at websites of its member organizations, primarily GONG (www.gong.hr) and Kuća ljudskih prava Zagreb (<http://www.kucaljudskihprava.hr>).

ment representatives and the EC on open issues and Governments' future actions. In December 2013, GONG and Platform 112 presented their policy memo on enhancing parliamentary openness and oversight of reforms to the President of the Parliamentary Committee for the Constitution, Rules of Procedure and Political System, with intention to influence the forthcoming adjustment of the parliamentary structure and interactions with the Government to the new context of the EU membership. Platform 112 has been successful in keeping several issues open, even after they were initially »ticked-off« in progress reports, due to implementation problems, such as regulation and institutional framework for access to free legal aid, access to information, housing for Serbian minority returnees to post-war areas and reparation to civilian war victims. The right timing and communication format of Platform's proposals – combining policy and media focus – has yielded significant attention of the key policy-makers regarding Platform's long-standing proposal for stronger parliamentary oversight upon accession.

In general, distinct features of the EU accession process of Croatia had evidently limited the meaningful access of organized civil society to policy formulation due to numerous already mentioned obstacles, but also they clearly broadened it in the policy implementation and monitoring phase, thanks to the new EU emphasis on strict monitoring of implementation of the formally adopted EU *acquis*. Despite many communication and assistance instruments EU is using throughout the accession process to encourage candidate countries to comply with »soft« measures and standards in the field of good administration (SIGMA, twinning, grants and technical assistance service projects, etc.), these efforts need to be combined with more strict conditionality and rigorous monitoring of precise indicators in order to ensure the irreversibility of reforms and more durable effects after the accession.

7. Partially Realized Potential of the Parliament to Catalyse Public Deliberation on the EU Accession

The parliamentary procedure during the EU accession process, even if tight, was still a more promising avenue for influencing the policy process, even at the very last minute, due to the unique practice of the Parliament to engage academics, experts and representatives of organized interests

including civil society organizations as external permanent members of parliamentary committees, with access to all materials and ability to take part in all discussions, with the exception of the right to vote.

In the accession process 2005–2011, the Parliament performed a critical function of the guardian of political consensus throughout tedious and often troubled negotiations, including periods of suspension, due to unsatisfactory cooperation with ICTY and one-sided blocking on the part of Slovenia. At the same time, it was often reduced to the voting machine on highly complex, seemingly technical matters, with limited but also inadequately used opportunities for strategic, political discussions and meaningful oversight of the Government (Škrabalo, 2009, 2012b).

It is important, however, to point out some positive practices in parliamentary openness during the accession process. First, the parliamentary website served as the main source of well-organized information on the policy-making process, thanks to its easily searchable, regularly updated database of all legislative acts and other documents reviewed by the Parliament, information section on Croatia's relations with the EU including all key legal documents and timely announcements of all parliamentary activities (*ibid*). Furthermore, the positive practice of involving external permanent members in most of the committees facilitated the exchange of information with MPs and government representatives and in some cases led to organization of thematic open debates on part of individual committees. In that respect, the National Committee played the leading role by holding a series of round table discussions on particularly sensitive issues related on negotiations, such as waste management system, agriculture and fisheries, the future of national public broadcasting service, the EU funds etc. with eager participation from local governments, civil society and expert community. Nevertheless, there was little evidence or information on how the focus and timing of those thematic discussions fed into the actual course of negotiations, so they should be primarily viewed as valuable opportunities for extending and deepening the public understanding of complex policy issues related to accession.

However, the scope and timing of parliamentary reporting and plenary debates on negotiation issues were inconsistent and insufficient, as evidenced by significant differences in the detail provided in annual National Committee reports that were *de facto* the principal public source of information on the internal dynamics of negotiations, considering the strength of informal confidentiality rule practice by all negotiating actors. While the reports from the first two years 2005 and 2006 provided very specific

information of the discussions held, including direct references to some opening benchmarks, information on the context of discussions provided from 2007 onwards, when negotiations actually started, was much more general and scarce. Low visibility and political irrelevance of these reports was due to their belated consideration by the plenary, sometimes even five months upon their submission. Judging from very few thematic plenary discussions and interpellations dealing with accession issues, it is a general impression that the Parliament practically entrusted the oversight of the negotiations to the National Committee, with political consensus, paradoxically, functioning as a source of constraint of deeper public debates that would reach out to the Croatian citizens (*ibid.*).

The Parliament also missed the opportunity posed by the EU referendum, to position itself as a trustworthy, resourceful political information source autonomous from the Government, i.e. the Ministry of Foreign and European Affairs, which was fully in charge of the public campaign activities, combining information on the outcomes of the negotiations with the promotion of the government-held pro-EU position. The Parliament did not take any active part in the communication campaign, other than holding a thematic plenary session on the outcomes of the negotiations, broadcasted live by HRT, nor did it prepare any specific information materials other than the long-standing web rubric with basic information on Croatia's accession process to the EU. On the positive side, the change of parliamentary leadership after the 2011 election has boosted hopes for a more proactive and open approach in the post-accession period where the Croatian Parliament has a historical chance to position itself as the pillar institution for engaging Croatian citizens in the EU affairs and nurturing deliberative democracy (Škrabalo, 2012b).

8. Regaining Public Trust – Efforts towards Ensuring Post-Accession Durability of Public Administration Reforms

With the end of accession negotiations and the change of Government by the end of 2011, a new impetus was given to institutionalizing the strategic policy framework for transparency of public administration and improving the performance in the field of participation of the interested public in policy-making processes. The new Government four-year programme brought to focus the openness of public authorities and partner-

ship with citizens and civil society in designing and implementing Government programmes. In April 2012, the Government adopted the Action plan for the implementation of the initiative Open Government Partnership in the Republic of Croatia, which has foreseen additional reforms in the area of citizen and civil society participation in the formulation of public policies. After a long process of public debates, the National strategy for creating an enabling environment for civil society development for the period 2012–2016 was adopted in July 2012 as a result of a broad consensus between civil society, government, and business representatives on the strategic priorities in this area until 2016. The National Strategy has introduced, among others, new measures for strengthening the capacities of civil servants for effective involvement of CSOs and the interested public in policy formulation and implementation. In October 2012, the Government adopted amendments to its Rules of Procedure that further affirmed the importance of implementing the Code of Practice on Consultation, with special emphasis on the feedback to the public on consultation results. With adopted amendments, the Government has secured the potential for regaining citizens' trust in political processes and for improving the quality of regulations. More specifically, with these amendments, public consultation and reporting on the results of consultations have again been recognized as an inevitable part of the process of decision making at the national level. Central state administration bodies are obliged to enclose reports on the outcomes of the conducted consultation (with explanatory memorandum on why certain contributions have not been accepted) upon sending draft laws, other regulations and acts to the Government's procedure. By these amendments to its Rules of Procedures, the Government has carried out the measures to which it was obliged by the Open Government Partnership Action Plan and the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012–2016. In February 2013, the Croatian Parliament adopted the new Law on Access to Information, which has also paved the way for more systematic progress in the area of proactive transparency, openness and conducting meaningful stakeholders' consultations at all levels of public administration.

The latest report on implementing the Code of Practice on Consultation for 2012 showed substantial progress in applying the standards of the Code by the new Government. The number of laws, other regulations and acts that had undergone public consultations increased to 144, which is a radical improvement compared to only 48 in 2011, and 30 in 2010. In addition, compared to only 173 written contributions by the interested public in 2011, various ministries and government offices received 4,773

written contributions to draft legal initiatives during 2012. Besides, it is worth mentioning that reports on consultation results were published for 76 acts, which is encouraging, given almost non-existent practice of feedback to the public in previous years.

The progress in more effective implementation of the Code of Practice on Consultation implied more intensive political, policy, and administrative coordination. In addition, the monitoring of implementation of the Code was also the focus of work of several strong CSOs, as well as of the EC peer missions as part of their permanent external assessment of progress in the fight against corruption. This has led to generating increased political and administrative support to achieving the standards set by the Code.

Building a more effective and meaningful dialogue with citizens, CSOs, and the interested public seems to be one of the key prerequisites for ensuring durability of reforms undertaken during the EU accession process. The importance of creating functional policy networks and strong multi-stakeholder interaction will become even more evident in post-EU accession period. The first reason is the expected increased dependency on outside expertise. Namely, in view of the imminent brain drain to EU institutions and potentially limited resources in public administration to deal with EU affairs, the expertise of various non-state actors will become access goods of high demand, especially given highly technical nature of the discussions that lead to policy making in the EU. A second policy benefit that will be especially important for Croatian government bodies within the EU's multi-level policy-making system will be the capacity to contribute to the effective implementation of policy once decision-making has been concluded at the EU level (Vidačak, 2013). In other words, the post-accession period has the potential to bring a new trend of improving access of interest groups in the policy design and implementation phases. Since the EU accession is no longer relevant as a flagship initiative for the Government and entire parliamentary political elite, one could also expect greater orientation towards in-country assessment of political success and, as a result, additional possible impetus for taking the voice and services of non-state actors more seriously.

9. Conclusion

The paper has investigated the effects of the EU accession negotiation process on the openness of the Croatian public administration. Applying

the proposed conceptual approach to the open administration that considers openness as a broader concept encompassing various components of transparency and participation, we have provided preliminary insights into the source of discrepancy between stated political commitments to access to information and inclusive multi-stakeholders' dialogue and the actual negotiation and policy-making practices. We have demonstrated that the EU accession negotiations themselves do not have a strong transformative impact on the transparency of public administration unless they manage to create incentives for key change agents and norm entrepreneurs, either within organized civil society or within government. In addition, despite an ever-increasing number of EU-driven opportunity structures, the involvement of citizens and interest groups in the essential agenda-setting phase of the policy making process remained rather limited during Croatia's EU membership negotiations, which were driven by a sense of urgency and even fear that public disclosure of negotiation documents, public consultations on *acquis*-related legislation, and extensive public debates might stifle the process. The picture is not fully black or white, and should be understood in the context of inherited political and administrative culture of closeness and secrecy, lack of experience of the state administration with horizontal coordination and engagement of non-state actors, and the magnitude of policy issues to be dealt with, requiring specialist knowledge on part of state administration, parliamentarians and civil society actors. It has also been shown that the distinct features of the Croatian EU accession process and the new EU's demand for solid proof of the actual implementation of the formally adopted EU *acquis* have enabled advocacy and watchdog CSOs to play a more substantial role in policy monitoring and have a greater say in domestic policy processes.

This exploratory review might serve as a contribution to discussion of possibilities to enhance the transparency and inclusiveness of the forthcoming accession processes in the Western Balkans, taking into account the potential benefits and risks of the enlargement policy on democratization both in the candidate countries and throughout the EU. Based on the lessons learned from the experience of Croatia, we could identify several recommendations on how to enhance the openness of the EU accession process and enlargement policy as a whole, in order to ensure public ownership and meaningful participation of citizens and civil society not only in its legitimation, but also in its actual shaping along the entire, often unpredictable and challenging, process. First, the policy on public disclosure of information and documents directly related to the negotiation process

should be mutually agreed on and adopted by all the parties to negotiations in order to reconcile overarching public interest and citizens' right to know what governments are negotiating about, with distinctive interests of each party. Second, information that provides parameters for negotiations and diagnostic information, i.e. screening lists and screening reports or non-negotiable parameters, i.e. the translation of *acquis* and opening and closing benchmarks, should be disclosed promptly, in order to facilitate independent monitoring and public information throughout the accession process. Third, all documents regulating the negotiation structure, procedures, and appointments should be disclosed at the time of their adoption and they should also include internal rules of procedure on information management and participation in document drafting and negotiations on the part of all the members of negotiation bodies, non-state actors included. Fourth, effective and democratic legal and institutional framework for public access to information and public consultations in the policy-making process should be treated as prerequisites for the Governments' capacity to engage in negotiations, if not among political criteria, then definitely among opening benchmarks for the first negotiation chapters, which is easily linked with Chapter 23 (the rule of law, anti-corruption and fundamental rights). Fifth, the proactive deliberative and oversight role of the national parliaments in the accession process should be examined and ensured in a timely, strategic manner, together with creating a forum for fostering political consensus and strengthening parliamentary capacities for policy analysis and legislative review, which should also reflect in the priorities for pre-accession institutional capacity building funded from national and EU sources. Sixth, both the parliament and the government of the candidate country should strategically engage in structured, two-way communication with citizens and civil society on the purpose, contents, and outcomes of the accession process, geared towards the creation of public dialogue without discrimination of divergent perspectives, engagement on non-state actors in the process, and building the public trust in political institutions and state administration. Finally, clearer guidelines, benchmarks and evaluation schemes in the field of open and inclusive policy making need to be set out by the EU in order to better structure and track progress of domestic adaptation processes in the candidate countries, but also to ensure long-term effectiveness of pre-accession reforms in this area.

References

- Armstrong, K. A. (2002) *Rediscovering Civil Society: The European Union and the White Paper on Governance*. *European Law Journal* 8(1): 102–132
- Börzel, T., T. Risse (2000) *When Europe Hits Home: Europeanization and Domestic Change*. *European Integration online Papers (EIoP)* 4(15), <http://eiop.or.at/eiop/pdf/2000-015.pdf>
- Bouwen, P. (2001) *Corporate Lobbying in the European Union: Towards a Theory of Access*. EUI Working Paper SPS No. 2001/5. Florence: European University Institute
- Brandsma, G. J., D. Curtin, B. Leufgen, A. Meijer (2010) *Studying Open Government in the European Union: From Normative Debates to Empirical Fact-Finding*. Paper prepared for the ECPR/SGEU conference, Oporto, 23–26 June 2010, <http://www.jhubc.it/ecpr-porto/virtualpaperroom/035.pdf>
- Brozina, D. (2001) *Development of Cooperation between Slovene Government and the Organizations of Civil Society*. In: I. Vidačak (ed.) *NGOs and Public Administration: Perspectives of Partnership in the Process of European Integration – Proceedings of the International Seminar*. Zagreb: Institute for International Relations
- Brusis, M., J. Emmanouilidis (2000) *Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe*. CAP Working Paper, Munich, http://epub.ub.uni-muenchen.de/13877/1/brusis_13877.pdf
- Checkel, J. T. (2001) *Why Comply? Social Learning and European Identity Change*. *International Organization* 55(3): 553–588
- Dimitrova, A. (2002) *Enlargement, Institution-Building and the EU's Administrative Capacity Requirement*. *West European Politics* 25(4): 171–190
- Drobnjak, V. (2011) *Specificity of Croatia's Accession Negotiations and Implications for EU Membership*. *Études Européennes*, www.etudes-europeennes.eu
- European Council (2005) *Negotiation Framework*, adopted on 3 October 2005 in Luxembourg. http://www.delhrv.ec.europa.eu/images/article/File/HR_negotiating_framedoc_en.pdf
- Fink Hafner, D., D. Lajh (2003) *Managing Europe from Home: The Europeanization of Slovenian Core Executive*. <http://www.oeye.net/papers/slovenia-theeuropeanisationoft.pdf>
- Glenn, J. K. (2004) *From Nation-States to Member States: Accession Negotiations as an Instrument of Europeanization*. *Comparative European Politics* 2(1): 3–28
- Government of the Republic of Croatia (2009) *Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts*. OG 140/09
- Government of the Republic of Croatia (2011) *Programme for the Mandate 2011–2015*. www.vlada.hr

- Government of the Republic of Croatia (2011) Rules of Procedures of the Government of the Republic of Croatia. OG 154/11, 121/12
- Government of the Republic of Croatia (2012) Action Plan for the Implementation of the Initiative Open Government Partnership in the Republic of Croatia for Period 2012–2013. www.vlada.hr
- Government of the Republic of Croatia (2012) National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012–2016. www.vlada.hr
- Grabbe, H. (2001) How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity. *Journal of European Public Policy* 8(6): 1013–1031
- Grigorescu, A. (2002) European Institutions and Unsuccessful Norm Transmission: The Case of Transparency. *International Politics* 39 (4): 467–489
- Heidbreder, E. G. (2012) Civil Society Participation in EU Governance. *Living Reviews in European Governance* 7(2), <http://www.livingreviews.org/lreg-2012-2>
- Héritier, A., C. Knill, S. Mingers (1996) *Ringling the Changes in Europe: Regulatory Competition and the Transformation of the State*. Berlin: De Gruyter
- Ivanović, R. (2011) *Analysis of the Communication Strategy Aimed at Informing the Croatian Public about the European Union and Preparations for EU Membership*. Zagreb: GONG
- Knill, C. (2001) *The Europeanization of National Administrations: Patterns of Institutional Change and Persistence*. Cambridge: Cambridge University Press
- Lippert, B., G. Umbach (2005) *Pressures of Europeanization – From Post-Communist State Administrations towards Normal Players in the EU System*. Baden-Baden: Nomos Verlagsgesellschaft
- March, J., J. Olsen (2004) *The Logic of Appropriateness*. Arena Working Papers 9/04, www.arena.uio.no
- Maršić, T. (2006) *Assessing the Negotiation Experience: Quick Accession or Good Representation?* Zagreb: Institute for Public Finance and Friedrich Ebert Stiftung, <http://www.fes.hr/index-20.html>
- Meyer-Sahling, J. H. (2006) *De-Politicisation through the Backdoor? EU Integration, Administrative Reform and Party Patronage in East Central Europe*. Paper presented at ECPR Joint Sessions, Nicosia, April 2006
- Meyer-Sahling, J. H. (2009) *Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after EU Accession*. Sigma Paper No. 44. Paris: OECD
- Mungiu-Pippidi, A. (2008) *The EU as a Transformation Agent – Lessons Learned from Governance Reforms in East Central Europe*. Hertie School of Governance, http://www.hertie-school.org/fileadmin/images/Downloads/working_papers/33.pdf
- Moumoutzis, K. (2011) Still Fashionable yet Useless? Addressing Problems with Research on the Europeanization of Foreign Policy. *Journal of Common Market Studies* 49(3): 607–629

- Otvoreno pismo organizacija civilnog društva (Open letter of civil society organizations to the Croatian Government), May 21, 2008. Signed by ACT, B.a.B.e., Cenzura Plus, CMS, DIM, Fade In, Forum za slobodu odgoja, GONG, Koordinacija udruga za djecu, Protagera, Transparency International Hrvatska, ZamirNet, Zelena akcija, Zelena Istra, Ženska soba
- Perez-Solorzano Borragan, N., S. Smismans (2008) *The European Economic and Social Committee after Enlargement*. In: E. Best, T. Christiansen, P. Settembri (eds.) *The Institutions of the Enlarged European Union: Continuity and Change*. Edward Elgar
- Petak, Z. (2009) *Oblikovanje javnih politika u Hrvatskoj i problem policy koordinacije (Policy Making in Croatia and the Problem of Policy Coordination)*. *Anali Hrvatskog politološkog društva* 5(1): 263–273
- Pollitt, C., G. Bouckaert (2004) *Public Management Reform: A Comparative Analysis, Second Edition*. Oxford: Oxford University Press
- Pridham, G. (2005) *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*. Basingstoke: Palgrave Macmillan
- Radaelli, C. M. (2003) *The Europeanization of Public Policy*. In: K. Featherstone, C. M. Radaelli (eds.) *The Politics of Europeanization*. Oxford: Oxford University Press
- Schimmelfennig, F., Sedelmeier, U. (2004) *Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe*, *Journal of European Public Policy* 11(4): 661–679
- Schimmelfennig, F. (2008) *EU Political Conditionality after the 2004 Enlargement: Consistency and Effectiveness*. *Journal of European Public Policy* 15(6): 918–937
- Scott, J., D. M. Trubek (2002) *Mind the Gap: Law and New Approaches to Governance in the European Union*. *European Law Journal* 8(1): 1–18
- Sedelmeier, U. (2008) *After Conditionality: Post-Accession Compliance with EU Law in East Central Europe*. *Journal of European Public Policy* 15(6): 806–825
- Sedelmeier, U. (2011) *Europeanization in New Member and Candidate States*. *Living Reviews in European Governance* 6(1), <http://www.livingreviews.org/lreg-2011-1>
- Sikkink, K. (2005) *Patterns of Dynamic Multilevel Governance and the Insider-Outsider Coalition*. In: D. Della Porta, S. Tarrow (eds.) *Transnational Protest and Global Activism*. Lanham: Rowman and Littlefield Publishers
- SIGMA (2011) *Assessment Croatia*. May 2011, <http://www.sigmaxweb.org/data-oecd/40/31/48970754.pdf>
- Škrabalo, M. (2009) *Hrvatski sabor u procesu pristupanja Hrvatske Europskoj Uniji (Croatian Parliament in the Accession Process of Croatia to the EU)*. In: Zdravko Petak (ed.) *Stranke i javne politike: izbori u Hrvatskoj 2007*. Zagreb: Fakultet političkih znanosti
- Škrabalo, M., N. Miošić Lisjak (2010) *Ključni nalazi i preporuke istraživanja o kompetencijama državnih službenika u RH u kontekstu pristupanja i član-*

- stva u EU. (Key Findings and Recommendations of Research Relating to the Competences of Civil Servants in the Republic of Croatia within the Context of Its Accession to and Membership in the EU). In: M. Vlašić, P. Goran (eds.) *Hrvatska nadomak cilja – kako uspješno djelovati u Europskoj uniji* (The Final Step for Croatia – How to Function Successfully in the European Union). Zagreb: MVEP
- Škrabalo, M. (2012a) *Transparency in Retrospect: Lesson Learned from Croatia*. Discussion paper commissioned by the European Parliament Green Group / European Alliance, http://europa.groenlinks.nl/files/Transparency%20in%20retrospect_%20lessons%20from%20Croatias%20EU%20accession%20šprocess.pdf
- Škrabalo, M. (2012b) *Open Parliaments Bulletin 2012 – Croatia*. In: R. Schubert (ed.) *Open Parliaments 2012: Transparency and Accountability of Parliaments in South-East Europe*. Sofia: Friedrich Ebert Foundation Office Bulgaria, <http://library.fes.de/pdf-files/bueros/sofia/10069.pdf>
- Tomić, Z., D. Jugo (2011) *Komunikacijska strategija Hrvatske za ulazak u EU* (Communication Strategy for Croatia's Accession to the EU). In: Ivan Šiber (ed.) *Hrvatska i Europa – strahovi i nade*. Zagreb: Fakultet političkih znanosti
- Vidačak, I. (2001) *NGOs and Public Administration: Perspectives of Partnership in the Process of European Integration*. Proceedings of the International Seminar. Zagreb: Institute for International Relations
- Vidačak, I. (2011) *Impact of Europeanization on Interest Groups Access and Representation in the Policy Making Process in Croatia*. *Etudes Europeennes*. Paris: Ecole National d'Administration, www.etudes-europeennes.eu
- Vidačak, I. (2013) *Towards More Open, Inclusive and Effective Policy Making – Institutionalizing Public Consultations in Croatia*. Seventh ReSPA Annual Conference Proceedings, Regional School of Public Administration, Danilovgrad, <http://www.respaweb.eu/11/library#respa-publications-and-research-18>

Other sources

- Croatian Parliament data base with legal acts and statistics, <https://infodok.sabor.hr/>

EXPLORING THE EFFECTS OF EUROPEANIZATION ON THE OPENNESS OF PUBLIC ADMINISTRATION IN CROATIA

Summary

The paper seeks to investigate the effects of the EU accession process on the openness of public administration in Croatia. Considering openness as a broader concept encompassing various components of transparency and participation, two basic questions are addressed – to what extent the EU accession negotiations process has contributed to greater transparency of the Croatian public administration, and whether it has enabled more active participation of citizens and interest groups in public policy making processes. The EU accession negotiations do not have a strong transformative impact on transparency of public administration, unless they manage to create incentives for the key change agents and norm entrepreneurs, either within organized civil society or within government. Despite an ever-growing number of EU-driven opportunity structures, the involvement of citizens and interest groups in the essential agenda-setting phase of the policy making process remained rather limited during Croatia's EU membership negotiations, which were driven by a sense of urgency and even fear that the disclosure of negotiation documents, public consultations on acquis-related legislation, and extensive public debates might stifle the process. Nevertheless, the distinct features of Croatia's EU accession process and the new EU's demand for solid proof of the actual implementation of the formally adopted EU acquis enabled advocacy and watchdog CSOs to play a more substantial role in policy monitoring and to have a greater say in domestic policy processes. In general, building a more meaningful dialogue with citizens, CSOs, and the interested public is considered as a key prerequisite for ensuring durability of reforms undertaken during the EU accession process. In addition, clearer guidelines, benchmarks and evaluation schemes in the field of open and inclusive policy making need to be set out by the EU in order to better structure and track progress of domestic adaptation processes in candidate countries, but also to ensure long-term effectiveness of pre-accession reforms in this area.

Key words: Europeanization, public administration, openness, transparency, civil society, EU accession

ISTRAŽIVANJE UČINAKA EUROPEIZACIJE NA OTVORENOST JAVNE UPRAVE U HRVATSKOJ

Sažetak

Analiziraju se učinci procesa pridruživanja EU na otvorenost hrvatske javne uprave. Pri razmatranju otvorenosti kao šireg koncepta koji obuhvaća različite komponente transparentnosti i participacije, nameću se dva temeljna pitanja: u kojoj je mjeri proces pregovora o pridruživanju EU pridonio većoj transparentnosti hrvatske javne uprave te je li omogućio aktivniju participaciju građana i interesnih skupina u procesu oblikovanja javnih politika. Sami pregovori o pridruživanju EU nemaju veliki utjecaj na transparentnost javne uprave, osim ako uspiju potaknuti ključne aktere promjena i sudionike u zakonodavnom procesu iz civilnog društva i vlasti na veću transparentnost. Unatoč stalno rastućem broju mogućnosti poticanih od strane EU, sudjelovanje građana i interesnih grupa u najvažnijoj fazi oblikovanja javnih politika, a to je utvrđivanje pitanja kojima će se one baviti, bilo je vrlo ograničeno tijekom hrvatskih pregovora o pristupanju Uniji. Pregovori su bili vođeni u ozračju hitnosti pa čak i straha da bi objavlivanje pregovaračke dokumentacije, javne konzultacije o zakonodavstvu koje se odnosi na zajedničku pravnu stečevinu EU te široke javne rasprave mogle ugroziti pregovarački proces. Unatoč tome, posebne značajke procesa pregovora Hrvatske o pristupanju EU te novi zahtjevi Unije da se pruže konkretni dokazi o stvarnoj primjeni formalno usvojene pravne stečevine EU omogućili su organizacijama civilnog društva koje se bave zagovaranjem određenih politika i nadzorom političkih procesa značajniju ulogu u nadzoru javnih politika i veći utjecaj u oblikovanju javnih politika unutar države. Postojanje smislenog dijaloga s građanima, organizacijama civilnog društva te zainteresiranom javnošću smatra se ključnim preduvjetom za osiguranje trajnosti reformi provedenih tijekom procesa pridruživanja. EU bi trebala dati jasnije smjernice, kriterije za usporedbu i evaluacijske sheme na području otvorenog i inkluzivnog oblikovanja javnih politika kako bi se bolje strukturirao i pratio napredak procesa adaptacije zemalja pristupnica te osiguralo dugoročne učinke pretprijetnih reformi na ovom području.

Ključne riječi: europeizacija, javna uprava, otvorenost, transparentnost, civilno društvo, pristupanje EU