The Concept and Development of the Civil Dialogue at EU Level

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Abstract

This paper analyzes the concept of civil dialogue as well as its development in the EU level. Civil dialogue is an expression of participatory democracy; therefore the participation of citizens in decision-making and policy is essential to democracy. However, democracy becomes quite complicated when discussing the issue at the European level because of the structure of the European Union which is based on an ad-hoc approach. The other reason for the increasing validity of the dialogue with citizens in the Union should search for partial and troubling results of public opinion surveys that show a low level of understanding of mechanisms of action of the European institutions among citizens of the member states of EU. As result, French and Dutch referenda on the Constitutional Treaty have shown that there is a serious disconnection between citizens and policy makers at the European level. Therefore, the role and contribution of CSOs (especially NGOs) in the process of EU policy is extremely increased, in the last decades. Civil dialogue between civil society and public institutions at all levels is seen as a powerful tool that could help improve communication and citizen participation in decisions and policies made. Still difference in the level of development of the dialogue between the various EU institutions and NGOs is directly related to the degree of their work. From all EU institutions, European Commission has made the most progress in formalizing and institutionalizing consultations and dialogue with NGOs. Importance of growing engagement NGOs within the EU is indeed evaluated, both in terms of the policy process, and as a contribution to solving the democratic deficit through more participating forms of participation. The aim of this paper is to review the current practice of the civil dialogue at EU level through the analysis of several cases, and through them deficiencies and problems of previous practices of dialogue between the EU and NGOs will be shown.

Keywords: European Union, civil dialogue, democratic deficit, participatory democracy, NGOs, European Commission.

Introduction

Development of an idea of civil society is coming from different roots, where many scholars have contributed by their discourses and definitions. John Locke was the first in modern times who defined civil society "as a separate entity independent from the State."(Schade, 2000, p.10) According to his definition people are the members of the community in which their social life is developed without government interference. He believes that the state should be preserve, complete and regulate the natural state of society. Unlike Locke, Thomas Paine considers the ideal civil society as one in which civil society regulates its own affairs in order to leave as less space as possible for the interference of the government. On the other hand, Alexander de Tocqueville emphasizes that the role of an independent association of a civil society, is where "associations are

schools of democracies where the democratic thinking, attitudes and behaviors are taught in order to protect individual rights against potential authoritarian regime." (Paffenholz and Spunrk, 2006, p.4) He also believes that these associations should be on a voluntary basis and be built at all levels (local, regional, national).

Jurgen Habermas has focused his concept of the role of civil society in the public sphere. Habermars believes that "the political system needs to articulate the interests of the public space by putting different views on the political agenda," (Habermas, 1992, p.374) while marginalized groups should be organized and a way should be found in order to articulate their interests. This is necessary primarily because the political parties and parliaments should "take into account public opinion outside the established structures of power", (Habermas, 1992). The conclusion to be drawn from this review of the basic principles of the concept of civil society is that different understandings and interpretations of civil society have influenced the theoretical debate and empirical research as well as the historical relationship of political emancipation of citizens. In an early stage, the civil society in Western Europe (18th and 19th century) was enhanced by economic and academic elites who demanded civil and human rights and political participation.

The Definition and Role of Civil Society
In 1960 new social movements such as the liberalization of women, environmental movements were emerging which significantly expanded the scope of activities of civil society. Eastern Europe has faced political, economic and social transformation where civil society played an important role in the establishment of democratic structures. Their success is dependent on various factors, the incorporation of democratic procedures in its own structure and organization, especially after the changes of the system. Democratic functions of civil society are the ones that build and increase the level of democratic political culture and develop appropriate democratic values, and create the conditions for democratic institutions of government action. "The basis for considering all variants of concepts and practices of civil society is an ideal-typical paradigm of civil society and legal state." (Vujadinovic, 2007, p.22) Edward's model of the concept of civil society is reflected by three items as the "civil society means different things to different people" (Edwards, 2004, p.3):

1. Civil society as a world of *voluntary* association that aims to develop values such as tolerance and cooperation.
2. Civil society as the *good society* aims to foster positive norms and values, where activities are directed towards specific social and political goals.
3. Civil society as part of the *public space* that aims to provide a space in which citizens can discuss issues of common interest. This role is essential when it comes to finding appropriate solutions and making decisions that are important to society.(Edwards, 2004, p.18-54)

Edwards' main hypothesis is that each of these roles can independently achieve results in terms of social change, as well as other results that are usually attributed to civil society.
"Civil society is based on the principles of autonomy (for the autonomous, voluntary, spontaneous highlighting the identity of the citizen), associatively (self-organization of citizens and associative effects on the spontaneous association in the form of civic initiatives, social movements, non-governmental organizations) and the public (for the public and media disclosure issues and goals of activities and specific actions of self-civil society actors with the aim of problems resolved individually, pressing the government)."(Vujadinovic, 2007, p.23) Civil society activism is the control mechanism in

the political control of the actions of state bodies, holders of political power. Seven basic functions of civil society are:

1. The protection of citizens, whose main function consists of the protection of life, liberty and property, and the state of despotism
2. Monitoring responsibilities, but mainly monitoring activities that may relate to different issues, such as human rights advocacy
3. Public communications which are based on lobbing interest especially of marginalized groups, as well as raising public awareness of issues important to society.
4. Socialization, which should contribute to the creation of democratic attitudes among citizens, mutual trust and tolerance
5. Building community through participation in voluntary associations that strengthen ties between citizens
6. Mediation between the state and citizens, i.e. role of balancing power and negotiations with the government, the establishment of relations among various interest groups.
7. Provision of services is an important part of the activities of civil society groups. (Paffenholz and Spunrk, 2006, p.23)

State-civil society relations consider well organized state that guarantees the rights that enable the functioning of civil society. The discourse of civil society in the last decade appears to struggle against the totalitarian form of government, which contributes to the destruction of civil society. Namely the development of a democratic political culture is essential for civil society, which is itself in a reciprocal relationship. From the above mentioned, we see that these factors influence the development of civil society as the quality of political culture, political institutions, the law and public opinion, etc. Thus, civil society is defined as a public space in which citizens seek to actively and freely participate in all spheres of social life through self-organization, in order to publicly control and evaluate the work of government institutions, raise public awareness and knowledge of performance authorities outside of the state institutions.

According to many contemporary theorists, the definition of civil society is in relation to the "totality of institutions, organizations and individuals located between the family, the state and the market, where people voluntarily join to contribute to the common interest."(Anheier, Regina, 2005, p.54) Here the concept of civil society is based on democratic ideals of liberalism in which a citizen is referred to as an individual, who participates in various elements of a democratic and community life. This vision of society means that citizens are formed into groups or associations to influence the political process, i.e. "creating channels of communication between citizens and government directly and indirectly."(Mavrikos-Adamou, 2010, p.516) This means that civil society occupies a key site between the elite and the citizens, and between the state and the market. Civil society is experiencing its expansion in the 1980s and early 1990s in Eastern Europe, the emergence of mass movements that aimed at the democratization of society, which until then was almost unheard of. As a reason it could be also included, the collapse of the Soviet Union which opened many discussions about: what is actually civil society and their actual role. Deepening of the integration process, the EU has a growing direct influence on the everyday issues of EU citizens. The Treaty of Amsterdam further contributed to the development of civil society, transferring some of the areas subject to interstate cooperation in justice and home affairs. This is also contributing to greater EU powers and this rank the issues on the agenda of the EU. European Citizen Action Service (ECAS)[i] is one of the first organizations that the EU has contributed to strengthening of the NGO sector in relation to the EU institutions in order to develop Europe's citizenship. According

to many writings, the development of civil society at the European level initiated in the last decade a very strong effect and great interest of the European institutions, primarily because the concept of civil society is offered as an universal solution to social and political problems.

The definition of civil society organizations and their role in participatory democracy at the EU level

Today there is controversy in terms of different interpretations about what is the role of civil society in modern societies, and which correlation is between the civil society and the state. Starting from Theda Skocpola that emphasizes "the crucial role of the state is in the development of civil society" (Howard 2003, p.44), Jonah Levy insists that "the relationship between state and society civil should not be hostile, and that the state exclusion is not enough to develop a good civil society."(Howard 2003, p.38) From this we can conclude that the citizen as an individual modern society should have the opportunity to pursue their interests in a social space. Most citizens are the easiest to realize their interests through involvement in the work of civil society organizations (CSOs). From a legal point of view there are several different names for the civil society organizations that can be classified into several forms such as: associations, NGOs, cooperatives, non-profit sector, voluntary organizations, etc. The way in which the citizens will act depends on their interest, which can be characterized as a professional activity within the civil society through voluntary work, providing public support for the initiative or for an exit to the street. The meaning of civil society should primarily lie in the strength of arguments and supporting certain values and interests.

Michael Edwards believes that "the organization of the civil society should be part of the public sphere, and their actions in the public arena can contribute, and thus positively affect the rendering of a decision."(Edwards, 2005) According to many authors, civil society organizations are considered "social phenomenon which represent fifth economic power in the world."[iii] In further defining civil society, Wesley Scott and Likanen see civil society as "the political power of the central development of values and social goals of the community that is reflected in the function of modernization and democratization of the state and social relations." (Wesley Scott J. and Likanen, 2010, p.424) From this we see that civil society is a major political factor in articulating and shaping social and collective rights. Different interpretations of the role of civil society are coming from different historical experiences, which are in the process of globalization, the changing role of the state in everyday life. "Thus, in the Western countries to strengthen civil society linked to any questioning of the traditional role of the state in social protection …….or the development of civil society will be brought into connection with dissatisfaction progress in economic development .... while in Central and Southern Europe, the development of modern society civil is most commonly associated with the collapse of the socialist concept of the state and changes in the model of collective behavior." (Žeravčić, 2011, p.4) For the definition of civil society, the EU institutions typically use the definition adopted by the European Committee Economic and Social Committe gave in his opinion, "*The Role and Contribution of Civil Society Organizations in the Building of Europe*."[iii] Civil society organizations include:
1. Participants in labor market (i.e. trade unions and employers' associations, so-called. social partners)
2. Organizations representing social and economic participants which are not social partners in the strict sense (consumer organization)
3. Non-profit organization (NGOs)

4. Organizations in the community, i.e. organizations established within the company level following goals focused on the members (youth associations, all organizations through which citizens participate in local and city life)
5. Religious communities. (Petrenko and Kallins, 2007, p.29)

Contemporary debates increasingly put emphasis on civil society when it comes to the process of democratization and social reform as an important player in the overall political, social and economic development. The assignment of the role of civil society organizations is reflected in their increasing efforts to solve social problems, and representing the general interests through participation in the political process. By this we mean the participation of civil society in the formulation, adoption and implementation of public policy in society. According to Diamond, civil society organizations are "important in strengthening democracy as opposed to authoritarianism, check the state and make it accountable to the citizens, to represent the interests of citizens, enabling the flow of information, stimulate democratic participation by improving democratic values."(Kunac, 2066, p.16)

As a direct result of the challenges that representative democracy is facing in the context of contemporary global trends appear to participatory democracy and civil dialogue. Citizen participation in the decision-making and enforcement is an integral part of participatory democracy. However it is important to emphasize that participatory democracy is not replaced for a representative democracy, i.e. it does not eliminate the powers of the representatives of the executive and legislative powers in decision-making and enforcement. The purpose of representative democracy in principle would mean that the citizen through the electoral process give his/her voice for legitimacy to certain parties that make political decisions which represent their interests. Together with representative democracy, participatory democracy is the foundation on which the modern democratic society is based. However, globalization has caused significant social and political changes, and therefore as a result people develop feelings that through representative democracy they cannot directly influence the factors that have an impact on their lives.

The process of decision-making has become more or less technical work that could enable more citizens through their representatives to contribute to quality of life. The inability of representative democracy to allow ordinary citizens to participate in decision-making is born in the idea of participatory democracy, which is now standard in developed countries. The idea of participatory democracy is based on two key principles:

1. Individuals should have the opportunity to participate in political decision making, which directly determines the quality and direction of their lives
2. Society should be organized to encourage individuals (citizens) to participate in political decision-making and to ensure public media space for joint participation in the process. (Žeravčić, 2011, p.3)

In addition to enabling the continuous participation of citizens in the political process, participatory democracy allows citizens to advocate and defend their interests in policy-making. The role of civil society in this process is very important, "first by enabling citizens to successfully advocate for their interests over the public authorities, and second direct protection of enjoyment of certain rights from which the right to participate in the decision-making process derives"(Žeravčić, 2011, p.3) These two reasons mentioned above and the role of CSOs in the process of adoption and application of the law has been recognized in international documents, the Lisbon Treaty of the EU and Recommendations of the Committee of Ministers of the Council of Europe to member states on the legal status of civil society in Europe. EU Lisbon Treaty, Article 11. "Institutions' of Union allows citizens and organizations to express their views and share public opinion in all areas of Union action. It also states that institutions maintain an open, transparent and

regular dialogue with civil society organizations and civil society"(EU Lisbon Treaty, 2010).

According to the recommendations of the Committee of Ministers of the Council of Europe states that all levels of government need to provide an effective and equal participation of civil society in dialogue, exchange of views on issues of importance to the community. It also points out that "civil society organizations should be consulted on draft legislation and other documents affecting their status."(Council of Europe, 2007) What is important to emphasize is that the institutional mechanisms citizen participation in the legislative process and other public policy differs from country to country. Differences appear in the scope of mechanisms, types of documents and entities involved in this mechanism.

From this we see that the CSOs plays a very important role in providing public services that take place in cooperation with the authorities. Their functioning as informal actors in the political process allows them to influence the decision-making process, the formulation of alternatives and keeping up the pressure for better implementation of decisions. It is important to emphasize that the role of NGOs in the political process is not only influencing the decision-making power but also an attempt to find solutions to specific problems. The increasing engagement of civil society based on participatory democracy makes the democratically elected government more transparent and closer to the citizens. One of the most important activities of CSOs to influence the process is best described by the term *advocacy* (*policy advocacy*). The concept of advocacy by Reid means "to influence social groups in shaping social and political outcomes in government and society." (Reid, 2003, p.3) Advocacy is "raising the voice" on important issues and guide them towards a resolution in favor of those who "do not hear" or those who are not "loud enough".

When we talk about the orientation towards advocacy Reid suggests two types of advocacy:

1. Advocacy directed at government relating to actions to public institutions, i.e. decision-making and the process of making and implementing policy.

2. Advocacy oriented society emphasizes the important role of NGOs in creating public opinion, setting priorities and actions of citizens. This type of advocacy NGOs is responsible for the analysis, interpretation and transmission of information in society, which is usually carried out through public media campaigns, education, publications, and act. (Reid, 2003, p.6).

It should be noted that the state is still obliged to immediately accept all requests and suggestions from civil society organizations, but it shall maintain a dialogue based on arguments and facilitate the participation of the same conditions to all civil society organizations wishing to participate in the creation and implementation of public policy. It is important to emphasize that the structured dialogue between the state and civil society can contribute to strengthening the role of civil society and thereby strengthen the state to cope with modern challenges.

The role of NGOs and advisory mechanisms of dialogue at the European Union level
Modern democratic society means a society that allows its citizens to achieve its set objectives within the public space. Citizens' interests can be divided into economic, social or political. The citizen is to realize "their social interests within civil society formation, or engaging in the work of civil society" (Žeravčić, 2010, p.6). NGOs are considered the most distinguished actors of civil society. When it comes to non-governmental organizations (NGOs) and their definition it is often described as very diverse, heterogeneous organizations with very different goals, motivations, structures, but the important point is

that NGOs are very deeply rooted in the development of civil society. We can say that by giving greater importance to civil rights in Europe, people increasingly founded such organizations which dealt with social issues and needs and protection of interests of citizens. Because of the different definitions of non-governmental organizations, the general definition of non-governmental organizations should include the following elements as basic:

1. NGO are independent, especially the government and other public bodies.
2. NGOs act in the public interest, i.e. addressing issues related to the welfare of the people and society.
3. Non-profit organization's
4. Democratic organizations that are formed voluntarily (COM, 2000).

Specifically, the role of non-governmental organizations in EU policy has a particularly important role in the broader European management; we can say that the European decision-making very much depends not only on several European institutions and nations. Based on this we can conclude that the dialogue with non-governmental organizations play a crucial role in European governance. Traditional forms of democracy should be strengthened by including citizens and their associations in a consistent dialogue on certain issues and thus contribute to EU policy. Civil society needs to find a way to increase their abilities, acting as an intermediary in the exchange of information and opinions between citizens and government.

Also, one of the reasons for giving greater importance of dialogue with NGOs and EU are worrisome poll results by which it was found that EU citizens have very little knowledge and understanding of the structure and mechanisms of action of the European institutions. These results were reflected in a declining turnout of citizens in elections for the European Parliament, as well as a rejection of the Irish people in the referendum to give their support to the ratification of the Nice Treaty. "Thanks to the new institutional and symbolic framework as given by the Treaty of Maastricht and the concept of citizens' Europe, a sudden increase in the number of networks of NGOs actively involved in lobbying and dialogue with the European institutions and the gradual explicit recognition of their role in the strategic documents of the EU"(Vidačevak, 2008, p.238).

Out of all institutions, the European Commission has made the greatest progress in formalizing and institutionalizing consultation and dialogue with non-governmental organizations. In 1997 the issuing of the first important document that sets the principles based on which the cooperation of European institutions with NGOs are developed. Notification of the European Commission entitled *Promoting the role of voluntary organizations and associations in Europe.*[iv] This document is intended to promote a stronger civil dialogue at European level, to highlight the growing role of non-governmental organizations within the EU, and to point out the problems and challenges they face. Another goal of this paper is to enhance the role and capacity of NGOs to be involved in the process of European integration. In 2000, followed by a *Discussion paper* European Commission called *the Commission and NGOs: Building a Stronger Partnership*[v], standing in the same, had two goals: "The first objective is to review the existing relations between existing problems of the European Commission and NGOs, and the second is to suggest possible guidelines in order to strengthen mutual relations" (COM, 2000, p.2).

According to this document the existing cooperation and desire to improve relations between the European Commission and NGOs would be based on five main guidelines:

1. Participation in the democratic decision-making process in the EU is primarily legitimized by the elected representatives of European citizens. However, NGOs can contribute to promoting more participatory democracy in the European Union

and beyond. The fundamental right of the citizens is the freedom to form associations for mutual benefit. Belonging to an association provides an opportunity for citizens to participate actively in the new modes of action in addition to options for action through political parties and trade unions. The role of the association is recognized as an important component of civil society in supporting the democratic system of government, which is of particular importance in the context of EU enlargement. According to the so-called Copenhagen criteria, EU membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of human rights and respect and protection of minorities. Non-governmental organizations can make a significant contribution to the development of democracy and civil society in the candidate countries.

2. Representing the views of certain groups of citizens before the European institutions-The role of NGOs is that the views represented in front of the European institutions, certain groups of people (such as people with disabilities, ethnic minorities) or on specific issues (such as environment, life standard). In particular, many NGOs have the opportunity to come into contact with the poorest and most vulnerable groups of the population, and to ensure that they are the voice for those who are not loud enough through other communication channels. Their participation in the shaping of policy principles and policy implementation is of great importance for the EU. In some cases, they can act as a balance of activities and exchange views with other stakeholders in the society.

3. Contribution to decision-making is the specific expertise of non-governmental organizations that put them in political debates. Through connections at local, regional, national and European level, NGOs can provide assistance in the development of EU policy. In particular, NGOs can provide feedback on the performance or other results of certain political decisions, and thereby contribute to the task of the Commission in defining and implementing policies. There are also a number of institutional mechanisms for consultation with NGOs that are significantly different in terms of the degree of openness, technical details, as well as the actors involved in it (for example, forums for dialogue sessions hearing at the European Parliament, individual consultations with members of the committee NGOs, focus groups, round tables, workshops, seminars, etc.).

4. Contribution to manage project-specific expertise that NGOs can bring to the management, monitoring and evaluation of projects funded by the EU. The contribution of NGOs Especially important in the fight against social exclusion and discrimination, protecting the environment and providing humanitarian and development assistance. The expertise and dedication of NGO staff and their willingness to work in difficult operating conditions makes NGOs a vital partner of the Commission, both within the EU and beyond.

5. Contribution of European integration-encouragement of national NGOs to work together to achieve goals, a European network of non-governmental organizations provide an important contribution to the formation of a "European public opinion" in order to recognize NGOs as a true European political entity. At the same time, through a convenient way they contribute to support of European integration. The strengthening of relations between the European Commission and NGOs can help both parties to be successful in achieving their goals. At the same time, the Commission should recognize and support the development and independence of NGOs (COM, 2000, p.4-5).

With this document, the Commission has recognized NGOs as partners in policy as representative of different groups of people and project management. The Commission also considered that the involvement of NGOs in the policy process could be a way of solving the problem of "*democratic deficit*" in the EU. "The impact of this particular document confirms many reactions to the document that were received from Member States and candidate countries." (COM, 2000) In response to the results of public opinion in the Member States which show a very low level of trust in the EU institutions and informing the citizens about the work thereof, the Commission in the midyear of 2001 published a *White Paper on European Governance*[vi]. White Paper on European Governance is the Commission's effort in upgrading and creating greater accountability, transparency and obligations of the parties involved in the policy process.

It is very important that the Commission consultative process include mechanisms for response, evaluation and review, and also NGOs are expected to provide mechanisms to monitor the consultation process and to contribute to the creation of more transparent, open and accountable system. In addition to these general principles, the Commission has established minimum standards for consultation of the consulting process with NGOs. Minimum standards of consultation are meant for the general public and refer to "clear the contents of the consultation, publication of documents that are subject of counseling in a format adapted to a wider range of target groups, information (raising awareness about a particular counseling, for example. portal *Your Voice in Europe*[vii]) the time limit for participation in a particular consultation and the establishment of mechanisms to check and pending feedback on the proposed new legislative measures and proposals for new policies." (COM, 2001) Minimum standards are systematically applied to all relevant policy initiatives.

Civil society groups are becoming more active in lobbying in the European Union over the past decade, but this engagement, even when successful, often does not coincide with the interests of private interest groups. As Varleigh points out, "the EU's position towards civil society groups in the past was questionable, because the Commission shall be responsible for consultation only with certain non-governmental organizations that are essentially supportive of the Commission's policy, and sometimes even its role in the institutional process" (Warleigh, 2006, p.200). It is clear that in designing consultative forum for members experts are invited. The Commission has launched a debate on the role of civil society on the management of the European Union. She believes the institutionalization of relations with civil society as part of new management methods to increase legitimacy European Union through participation, thus empowering civil society. White Paper on Governance refers explicitly to the transnational public sphere as a single in which "the consultation becomes part of the discussion on the re-legalization of complementary models (representative) democracy" (Garcia, 2009 p.179).

The Commission still refuses to grant consultative status to official associations; today there is no register of associations that lobby at the Commission. The only elements that have a registration system database is a CONECCS (*Consultation, the European Commission and Civil Society*)[viii], founded by the Commission for greater transparency. "As part of the consultative forums and boards standards and criteria have been created which the Commission should follow in determining the relevant NGOs who will be involved in the consultation process."[ix] Into consideration following factors will be taken: "the potential impact of proposed policies in other areas, need for specific experience, expertise or technical knowledge, previous participation in consultations and the need for a balance where it matters, i.e. among representatives of large and small organizations, social and economic subjects, rower target groups and organizations from EU and non-member states"(Vidačevak,2008, p.242). Although not legally binding force, these codes should

confirm its value over time and thus become the foundation on which to develop dialogue between NGOs and the European institutions, as well as a step in the harmonization of policies towards non-governmental organizations at the national level of the current and future Member States.

Cooperation between the European Commission and non-governmental organizations in the process of EU enlargement

The literature says that the EU has a benevolent impact when it comes to the process of democratization in post-communist countries, "but notes that the EU Member States, as well as potential members strengthen the executive and bureaucratic power without adequate active participation of citizens" (Goetz and Hix, 2000). The integration into European structures largely depends on the potential candidates, namely that any country who wants to became a full member state must accept the values and standards of the EU. However, when it comes to the EU accession process it is very important to note that the rules are a big difference when it comes to the countries of Eastern and Central Europe and the Balkan countries. Both groups of countries are countries of the communist regime, but the difference between the first and second group of countries is that the second group of countries certainly gave a picture of instability, ballast of the past, historical events, etc. However, efforts of the EU when it comes to joining the post-communist Balkan countries certainly have made progress along the results, but still in front of them there is a huge task when it comes to meeting the set criteria.

The Copenhagen political criteria set for the EU membership candidate countries seeking stability of institutions guaranteeing democracy, development, human rights, and particularly the respect for and protection of minorities at the EU's increasing attention to points. According Pridhamu, the EU's influence on the democratization of the candidate countries varies between three phases:

1. Phase 1 negotiations which preceded, when necessary to meet the Copenhagen criteria before negotiations
2. Phase 2 negotiations, when supplemented regularly monitors compliance policy conditions
3. Phase 3 after admission to membership, as a direct impact of the EU on a new application of weak countries, but also strengthen the indirect effects of European integration in the consolidation of democracy intensified creating networks that EU membership brings (Pridham, 2002, p.15).

Based on this we can conclude that the most effective phase of democratization in post-communist countries is 1 and 2, because from experience it is known that negotiations can begin without all the political conditions satisfied, and the establishment of provisional membership negotiations or termination of negotiations for serious violations of political conditions given. When the second case in the process is slow due to procedural reasons. "The whole process of implementation of institutional changes and a law course sees as great importance the development of civil society and exclusion of non-governmental organizations which complement the country. For the EU, NGOs are very important, independent source of information, and also they can act as a control mechanism in the field of reforms that are sensitive in political terms"(Pridham, 2002, p.17).

The European Commission in its document entitled "*Dialogue of civil society organization between the EU and the candidate countries*" in 2005 confirmed its views that NGOs play a key role in the ongoing reforms for the candidate countries and potential candidates. In what the European Commission insists is "the need for stronger civil dialogue among civil society in the EU and candidate countries with understanding the best practices when it

comes to the enlargement process in which NGOs have an important role and a significant contribution" (Pridham, 2002, p.17). The EU's insistence on strong dialogue stems from the experience of the previous enlargement during which citizens demonstrated a low level of awareness of EU enlargement. Dialogue with non-governmental organizations for years is seen as an integral part of the political and social culture in member countries.

However, the fulfillment of the above mentioned requirements is a prerequisite for joining the EU, as well as a complete success of the process of European integration. Dialogue with non-governmental sector for decades in the EU Member States an integral part of the political, social and economic culture cannot be passed as regulation or directive into the country or organizations because of its political history, this culture could not be developed. Exchange of experiences and knowledge among current and future member states are very important in building a civil society because there are no clearly defined standards when it comes to cooperation between governmental and non-governmental organizations. In helping meet the criteria for EU membership, the European Union has launched a series of initiatives to strengthen the role of civil society in these countries. This primarily refers to the pre-accession aids that act as the development of democratic processes, strengthening the capacity of NGOs in the sectors which are relevant for the implementation of the acquis. The Concept of the Commission on the role of civil society in the Western Balkans is set in the *Enlargement Strategy 2010* which states that:

"The activities of civil society are essential for a more mature democracy, respect for human rights and the rule of law. Such activities should improve political accountability, and encourage and expand the space for dialogue on social choices and strengthen the consensus for a pluralistic society; tolerance and reconciliation in society also contribute to more open, participatory and dynamic democracy. "Here we see the emphasis on tolerance and reconciliation because they are clearly recognized in the EU policy in the region that has not yet developed a pluralistic society among the fellowship. The EU has significant power in influencing the path of development, and proposes concrete and practical level for the Commission: "The culture of acceptance and appreciation is the role that civil society needs to take in order to enable the organization of civil society an engagement in effective political dialogue. Public consultation on policy initiatives and draft laws should be considered as general principles. Support to civil society by the government is often hampered by a lack of transparency and under-developed criteria "(COM, 2010, p.13).

As you can see from the above example, a key objective of the Commission is to involve NGOs in effective dialogue with public and private actors, as well as involvement in monitoring the developments in the field of rule of law and respect for fundamental rights. In line with the previous extension the Commission insists on strengthening the role of civil society not only through communication and cooperation between the Member States and the candidate, but also to pay considerable attention to the role of civil society in the process of democratization and reconciliation which take place in these countries. "One of the main objectives of the program of NGOs is involvement of candidate countries in the activities of the networks and platforms of NGOs operating at EU level" (COM, 2010, p.14).

The experience of the candidate countries and EU member states and the role of NGOs in the process of joining the EU

Challenges which European Commission faced in regards to relations between the European Union and the new democracies established in the Central and Eastern Europe, were different for the Commission from all the other experiences she faced so far which were related to the enlargement of the European Union. Commission as a representative of

the Member States of the European Union has managed to capture a significant independent role in the eastern extension when it comes to formal policy proposals that have shaped the relationship between the candidate countries and potential candidates. The Commission as the institutional representative of the European Union, through capacity building and compliance functions within the process is the closest in the various activities of the candidate. The process of involving the civil society in the process of expansion has been slow, which included a contradiction. "In some of the aspects, the prominence of civil society in bringing down the communist regime in the late 1980s led to unexpected progress and impact of the civil society in the reconstruction and consolidation of democratic institutions and associations in post-communist Europe" (Bostic 2011, p.9). All this has led the European Union to administer first opportunity for civil society to participate in the political context of the enlargement process, in cooperation with the European Commission.

"Under pressure from the EU, and encouraged by the need to gain popular support for reforms that require adjustment of the EU, most of the applicant countries have developed certain formal and informal mechanisms for participation in the NGO sector."[x] For example, "the Slovenian government, through its Office of European Integration at the start of negotiations for EU, sent a public invitation to NGOs to get involved in the preparation of the country for accession to the Union. Consultation with NGOs is conceived as a public conference to precede the development of the draft positions for specific thematic areas of the acquits in the various ministries. It was only after discussion with NGOs, the negotiating position is forwarded to the Government, the Parliament, and then Brussels" (Vidačevak,2001, p.244). Conducted research revealed very low turnout organizations, and obstacle to the establishment of a structured civil dialogue were discovered as well. In this research the main problem is the lack of a separate level of knowledge and awareness among NGOs, and the lacks of mutual trust between the government and NGOs.

During 2001,the "Slovenian government adopted a regulation providing for a better structuring of its dialogue with the associations, most notably the establishment of the Commission for cooperation with civil society organizations, horizontal body of government composed of government officials from various ministries and activities that would gradually create a common government strategy for the development of civil society" (Vidačevak,2001, p.244). Specifically decision was made on the establishment of more formal forms of cooperation with NGOs. Another example is Poland, by whose establishment of the Office for European Integration launched a process of consultation with NGOs and other civil society organizations. The process of consultation took place in the partner groups, i.e. professional advisory bodies that participated in parallel with working groups set up to draft negotiating positions for each of the chapters of the acquis. The dialogue between the negotiating team and partner groups was significantly hampered mainly because of language in EU documents, "intelligible only to a small circle of employees in the administrative structures and the additional hurdle an inadequate knowledge of foreign languages, because it was feasible to translate hundreds of pages of documents for each EU meeting with the partner groups" (Vidačevak,2001, p.245). "These obstacles have led to a gradual weakening of links with partner groups, and are in an advanced stage of negotiations, dialogue with representatives of NGOs from consulting into a briefing on the progress of negotiations."(Hausner and Marody, 2001). Challenges faced by Slovenian and Polish governmental and non-governmental sector are largely paradigmatic for the other countries of Central and Eastern Europe.

One of the preconditions for a constructive dialogue with the government is certainly organization and coordination. This problem was tried to be resolved in few candidate

countries by establishing the center, forums and networks that should facilitate the consultation process. To facilitate the process of counseling the candidate countries the NGO Centre of Slovenia (CNVOS), the National Forum of Hungarian NGOs called Civil Europe - Civil Hungary and the Polish Forum of Non-Governmental Initiatives (FIP) were founded. In Slovenia CNVOS 2002 was involved in policy and decision-making which resulted with creation of Resolution on normative activities in 2009 by the government, which guarantees a minimum standard of advice when it comes to the public and legal basis for the inclusion of NGOs as partners. "One of the great successes of the Polish NGO Forum initiative, which has served as an incentive to NGOs in other candidate countries is the establishment of the Polish NGO Office in Brussels," the organizational and technical support to organization European Citizens Action Service (ECAS) and the Charities Aid Foundation (CAF)."[xi]

The primary objective of the Office is to establish contacts with the European institutions, the work of sectorial networks and platforms of NGOs at the EU level, participation in seminars, the possibilities of EU financial assistance and regular information on the work of the European institutions. "Notwithstanding any effort by the EU to invest in supporting the development of civil society in the candidate countries, in most of these countries are characterized by a high degree of confidence in the relationship of governmental and non-government sectors."(ESC, 1999) Main reason for this is the fact that the civil society in the countries of Central and Eastern Europe is considered as an opposition idea. Therefore, "the culture of consultation and dialogue as the basic democratic process is not continuously rooted in the tradition of these countries." (Rosenblum and Post, 2002). As cause of mistrust a technical nature of the negotiations and adjustments Union is considered.

The neglection of dialogue with citizens and a large emphasis on the normative and technical aspects of the adoption of the acquis, including major "causes of the poor population support the candidate, accession to the EU."[xii] When it comes to the Western Balkan countries, which are currently undergoing various processes of democratization and reforms when it comes to EU membership. Many strategic reforms were undertaken in each of the Western Balkan countries and adoption of laws and policies to improve the state of the sector and the participation of NGOs in the process of participation in decision-making were established.

Conclusion

Civil society involvement in EU governance can improve democratic representation and also provide citizens with better means for affecting EU policy. Importance of involvement of civil society can also increase political inequality. Civil society participation in EU governance should not be seen as alternative, rather as a compliment, because by participation of civil society EU legitimacy crises can be reduced. It is more than obvious that national governances and regional authorities are not yet prepared to include civil society organizations into decision-making process and policy implementation. Opinions expressed are often not taken into account in European decisions, because groups have only access to the Commission and barely to the Council and the Parliament, which take the decisions. Still there are many restrictions to political participation in the institutional structure of the EU, but also there are more thing that are needed to be done, for example make political participation more representative, more democratically legitimized and more effective.

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[i] European Citizen Action Service (ECAS) was founded in 1991 as an international non-profit organization which is independent of political parties, commercial interests and the EU institutions. ECAS mission is to enable organizations and individuals to make their voice heard in the EU, providing advice on how to lobby and defend the rights of European citizens.

[ii] This assertion has been relied by many authors OSNV research by Professor Lester Solomon to the cause of the 22 countries comparing GDP realized in the framework of civil society in the 22 states with the social production of certain states. In this study produced the data that the nonprofit sector in the 22 countries employing more people than jobs than some industries. Also this research has shown that depending on the democratic tradition there is a significant difference in the structure of the CD in some countries. The results

of this researching show very high importance that nonprofit sector has not only on the level of development of democratic and pluralistic values of a society, but also the degree of social cohesion, employment and economic development.

[iii]Opinion on 'The role and contribution of civil society organizations in the building of Europe' CES 851/1999 Detailed information available at: http://www.eesc.europa.eu/resources/docs/ces851-1999_ac_en.pdf

[iv]Commission of the European Communities, 1997.Communication: Promoting the role of voluntary organizations and foundations in Europe. Brussels, COM (97) 241 final; 6.6.1997.

[v]Commission of the European Communities, 2000.Discussion Paper: European Commission and Non Governmental Organizations: Building a Stronger Partnership. Brussels, COM (2000) 11 final, 18.1.2000.

[vi]White Paper defines the principles and guidelines for the strengthening of relations with the European institutions, non-governmental organizations, as well as the active involvement of NGOs in the process of formulating and implementing policy. Following the White Paper was followed by several attempts to define a framework for dialogue, though they have not set up a structural framework, coherent and all encompassing dialogue, and therefore do not define the framework for counseling than just key principles to guide the process.

[vii]More information on: http://europe.eu.int/yourvoice

[viii]This database Contains information about the system and working methods of the Advisory Forum and other bodies through which the Commission shall consult with NGOs and civil society organizations in a formal and structured manner, as well as a directory of such organizations at the EU level.

[ix]It should be noted that the Economic and Social Committee proposed a set of criteria that European NGOs if they want to become active participants in policy dialogue at EU level. These are permanently at the EU level; enabling direct access to the expertise of its members as a precondition for constructive consultation; representation of general interest that are consistent with the interests of European society, active member organizations in most EU Member States; responsibility to the membership; authority to represent and act on European level; independence and detachment instructions from external bodies; transparency of financing and decision-making structure (ECS, CES 357/2002).

[x]Detailed information on page of the Slovenian Government, available at: www.gov.si/svez/uk/mainmenu

[xi]Detailed information available at: www.eu.ngo.pl and www.ecas.org

[xii]Latest Euro barometer survey on the attitudes of public opinion in the candidate countries for EU membership shows that in half of these countries support for the EU is lower than 50% (from 33% in Latvia to 46% in the Czech Republic). For more complete information see: European Commission - Euro barometer, 2002