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**THE EU INTEGRATION PROCESS
AND ENVIRONMENTAL GOVERNANCE IN SERBIA.
AN ASSESSMENT OF CIVIL SOCIETY PARTICIPATION IN THE
IMPLEMENTATION OF THE ECOLOGICAL NETWORK
NATURA 2000**

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Abstract

Since the end of Milošević's regime in 2000, EU integration has been a priority in the foreign agenda of the Serbian political elite. After more than twenty years of turbulent relationships, Serbia is one of the frontrunners among the countries from the Western Balkans for EU accession. Yet, the lack of a clear membership perspective and the continuous democratic backsliding risk to sabotage the country's future in the EU. This thesis aims at studying the Serbian integration process from the perspective of domestic civil society participation in environmental governance. As part of the EU accession negotiations, Serbia must adopt the entire *acquis communautaire*, which includes a specific chapter on environment protection and climate change. In this research, I will examine the role of environmental Civil Society Organisations (CSOs) in the implementation of two cornerstone directives of EU biodiversity policy, i.e., the Birds and Habitat Directives – better known as the *Nature Directives* –, which provide the legal basis for the ecological network NATURA 2000. The experience of former enlargement countries from Central and Eastern Europe shows that environmental Non-Governmental Organisations (ENGOS) played a crucial role in implementing the Nature Directives thanks to their expertise and ability to participate in domestic and regional networks. Drawing on this experience, this study aims at determining whether the EU integration process has contributed to civil society empowerment, favouring new forms of interactions between state and non-state actors in the implementation of EU-related nature protection norms in Serbia. I will argue that although European integration has provided domestic CSOs with new channels for participation that enabled them to increase their leverage vis-à-vis public authorities, the lack of a clear political will of governmental actors still represents a significant impediment for the substantive empowerment of the civil sector.

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List of Acronyms

BPSSS: Bird Protection and Study Society of Serbia

CARDS: Community Assistance for Reconstruction, Development and Stabilisation

CEECs: Central and Eastern European countries

CEEweb: Central and East European Working Group for the Enhancement of Biodiversity

CEFTA: Central European Free Trade Agreement

CEKOR: Centre for Ecology and Sustainable Development

CeSID: Centar za slobodne izbore i demokratiju – Centre for Free Elections and Democracy

COELA: Working Party on Enlargement of the Council of the EU

COWEB: Workin Party on the Western Balkans region of the Council of the EU

CSF: Civil Society Facility

CSO: Civil Society Organisation

CUCS: Conservative Uncivil Society

DG NEAR: Directorate General for Neighbourhood and Enlargement Negotiations

DG: Directorate General

DOS: Demokratska opozicija Srbije – Democratic Opposition of Serbia

DS: Demokratska Stranka - Democratic Party

DSS: Demokratska stranka Srbije - Democratic Party of Serbia

EAP: Environmental Action Programme

EASD: Environmental Ambassadors for Sustainable Development

ECJ: European Court of Justice

EEA: European Environmental Agency

EEC: European Economic Community

EEG: Environmental Engineering Group

EGD: European Green Deal

EIAs: Environmental Impact Assessments

Eionet: European Environment Information and Observation network

ENGO: Environmental Non-Governmental Organisation

EP: European Parliament

ERP: Economic Reform Programme

EU: European Union

FAC: Foreign Affairs Council

FDI: Foreign Direct Investments

GAC: General Affair Council

IBAs: Important Bird Areas

ICTY: International Criminal Tribunal for former Yugoslavia

IMF: International Monetary Fund

IPA: Instrument for Pre-accession Assistance

JHA: Justice and Home Affairs

MEAs: Multilateral Environmental Agreements

MFF: Multiannual Financial Framework

MLG: Multi-Level Governance

NCEU: National Convention on the European Union

NEPP: National Environmental Protection Programme

NGOs: non-governmental organisations

OLP: Ordinary Legislative Procedure (OLP)

OSCE: Organisation for Security and Cooperation in Europe

RYCO: Regional Youth Communication Office

SAA: Stabilisation and Association Agreements

SAC: Special Areas of Conservation

SAP: Stabilisation and Association Process

SCIs: Sites of Community Importance

SEA: Single European Act

SEAs: Strategic Environmental Assessments

SECO: Sector Civil Society Organisation

SEPA: Serbian Environmental Protection Agency

SFRY: Socialist Federal Republic of Yugoslavia

SNS: Srpska napredna stranka - Serbian Progressive Party

SPAs: Special Protected Areas

SPSEE: Stability Pact for South-Eastern Europe

TEU: Treaty on the European Union

TFEU: Treaty on the Functioning of the European Union

UN: United Nations

UNECE: UN Economic Commission for Europe

WB: Western Balkans

WB6: Western Balkans Six

WCF: World Congress of Families

WWF: World Wildlife Fund

YRS: Young Researchers of Serbia

ZED: Za evropsku Srbiju - For a European Serbia

Introduction

Since the downfall of Milošević's regime in October 2000, European integration has become a priority in the foreign policy agenda of the Republic of Serbia (Mikuš 2018). Today, after twenty-one years of cumbersome relationships, Serbia is one of the frontrunners for EU accession, but the path towards full membership is still long and tortuous: many crucial issues, such as the normalisation of relations with Kosovo and the respect of the rule of law still need to be successfully addressed.

A strong conditionality has always characterised the relationship between Serbia and the EU. The EU made the opening of accession negotiations dependent upon two major conditions: first, the EU requested that Serbia fully cooperated with the International Criminal Tribunal for former Yugoslavia (ICTY) for the extradition and persecution of former war officials, and second, it demanded an improvement, and ultimately the normalisation, of the relations with Kosovo. In 2008, as a reward for the extradition to the Hague of most of the indicted war criminals, the EU agreed to sign the Stabilisation and Accession Agreement (SAA) which marked a turning point in the Serbia-EU relationship as it prepared the way for the granting of the candidate status in 2012. One year later, the EU attempts at mediating the dialogue between Belgrade and Prishtina achieved an initial positive result with the adoption of the Brussels Agreement, in which Serbia and Kosovo stipulated the principles for the normalisation of their relations. Once the second crucial condition was – partially – satisfied, the European Commission recommended the Council to open accession negotiations with Belgrade; accession negotiations finally started in January 2014 with the organisation of the first intergovernmental conference.

EU accession is a long and highly complicated process: the candidate country must be committed to the promotion of EU core values listed in article 2 of the Treaty on the European Union (TEU), and it has to adopt the entire *acquis communautaire* which has traditionally been divided into 35 negotiating chapters. EU conditionality towards Serbia has mostly focused on two chapters: Chapter 23 on Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom and Security. Although European integration has always been high on the foreign policy agenda since the regime change in 2000, alarming

authoritarian traits have always undermined the official pro-EU and reformist rhetoric of the Serbian government. The democratic backsliding that Serbia has undergone in recent years has resulted in a gradual erosion of fundamental values such as the rule of law or the freedom of speech. Due to these developments, in the 2020 Freedom House Nation in Transit index, Serbia has been downgraded from a semi-consolidated democracy to a transitional/hybrid regime. The deteriorating internal political environment, coupled with the orientation of the Serbian government towards authoritarian countries such as China or Russia – which has become particularly evident during the Covid-19 pandemic – and the increasing scepticism of the Serbian population about EU accession, risk to irreversibly damage an already difficult relationship and to sabotage the entire integration process.

As part of the long and cumbersome accession negotiations, Serbia must align its environmental legislation to EU laws and standards. Environmental matters have usually been covered by Chapter 27 of the *acquis communautaire*, which included the following issues: climate change, water and air quality, waste management, nature protection, industrial pollution, chemicals, noise, and civil protection. In February 2020, the EU adopted a new enlargement methodology for the Western Balkans based on six thematic clusters that substitute the former negotiating chapters: environmental policy is now part of Cluster 4, encompassing transport policy, energy, and trans-European networks. Part of the Green Agenda is dedicated to nature and biodiversity protection. Two directives represent the European legal framework for this sub-sector: Council Directive 1992/43/EEC, i.e., the Habitats Directive and Council Directive 2009/147/EC, i.e., the Birds Directive. Together they are better known as the Nature Directives and provide the legal basis for establishing NATURA 2000, i.e., an ecological network of natural protected areas that spans across all member states.

Serbia has not opened the negotiations on the environmental chapter yet. In January 2020, the Serbian government submitted its *negotiating position* to the European Commission, and it is now waiting for the EU to adopt its common position and define the opening benchmarks. According to the 2020 Progress Report of the European Commission, Serbia already has a high level of alignment with EU environmental acquis; yet, key implementation shortcomings need to be addressed, which regard, for example, limited

central and local administrative capacities and unsatisfactory public consultations (European Commission, 2020e).

In this research, I will focus on the impact of EU accession negotiation on Serbian environmental governance. Within the literature on Europeanisation, which has mostly focused on Central and Eastern European countries, scholars have studied the impact of European integration on candidate countries' political and legal transformation and their system of governance (Zhelyazkova et al. 2018 15). Within this literature, academics have also investigated the impact of Europeanisation on environmental governance in new member states from Central and Eastern Europe to assess the emergence of new modes of governance based on an increased interaction between state and non-state actors (e.g., Börzel 2009, Börzel and Fagan 2015). Indeed, the EU recognises Civil Society Organisations (CSOs) as important partners in the enlargement process and has often called for their involvement in the implementation of EU-related norms (European Commission 2013): for the EU, CSOs are key actors to ensure transparency and accountability of negotiations and to guarantee effective and more legitimate decision-making. Scholars have analysed the role of CSOs in the implementation of the Nature Directives and NATURA 2000 to study the impact of Europeanisation on domestic environmental civil society and to understand whether the implementation of EU-related nature protection policies has favoured new forms of interactions between state and non-state actors, such as environmental Non-Governmental Organisations (Klůvánkóv-Oravská 2009, Cent et al. 2013, Börzel & Buzogány 2010, Börzel and Fagan 2015, Sobot 2017).

While extensive academic research has been dedicated to the role of environmental civil society in the implementation of the Nature Directives in former enlargement countries from Central and Eastern Europe, very few studies have comprehensively addressed the topic regarding the Serbian case. With this research, I intend to fill this research gap and understand whether the accession process in Serbia has favoured an increased involvement of CSOs in implementing EU biodiversity policy, i.e., the Habitats and Birds Directives. My purpose is to answer the following research question:

To what extent do Civil Society Organisations (CSOs) in Serbia participate in implementing EU-related nature protection legislation, i.e., the Birds and Habitats directives?

This research is structured as follows. The first chapter is dedicated to a general presentation of the EU enlargement policy, focusing on civil society involvement in the accession negotiations. I will discuss how the enlargement process works and how the EU enlargement strategy towards the Western Balkans has evolved from the first engagement during the 1990s to the latest enlargement methodology adopted at the beginning of 2020. In this first section, I will point out how the strict EU conditionality has influenced the membership perspective of the Western Balkans and how the current democratic backslidings in some Balkan countries threaten the region's future in the EU. The second part of the chapter will provide an overview of Serbia-EU relationships from the downfall of Milošević's regime to the current accession negotiations. As this research intends to analyse the role of Serbian environmental civil society in the enlargement process, a brief discussion on the development of civil society within the Serbian historical and political context will also be included.

The second chapter will deal with EU environmental policy. After discussing the development of environmental policy from a side-project of European integration to the core of EU politics and identity, I will present the two cornerstones of EU biodiversity protection policy, i.e., Birds and Habitats Directives and the ecological network NATURA 2000. In the second part, I will analyse the EU transformative power in environmental governance of new member states by providing some insightful evidence from Central and Eastern European Countries (CEECs). Studies and research of different scholars have indeed suggested that the implementation of EU-related nature protection policies has provided domestic environmental CSOs with new channels for participation that have contributed to strengthening their leverage vis-à-vis state actors (e.g., Börzel and Fagan 2015).

The final chapter will be dedicated to the specific case of Serbia. In the first section, I will describe the Serbian legal and institutional framework for environmental governance – focusing on nature and biodiversity protection – and I will discuss its compliance with the EU environmental acquis. Drawing on the results of a desk study and a set of

qualitative in-depth interviews with representatives of some Environmental Non-Governmental Organisations (ENGOS), I will then analyse the role of civil society in the implementation of the Nature Directives and NATURA 2000 in Serbia. I will discuss the current main challenges to proper implementation of EU-related nature protection norms, and the major issues that prevent the emergence of a participatory model of environmental governance.

Finally, in the conclusions, I will provide a summary of the main findings of this research. I will argue that, in line with the lessons learnt from the previous experience of former CEECs, the lack of a clear political will to systematically include civil society in policymaking processes remains the major obstacle that impedes the establishment of a conducive environment for civil society participation in environmental governance, thus preventing substantive empowerment of domestic CSOs.

Chapter One

The EU enlargement policy in the Western Balkans and the case of Serbia

The European Union's (EU) engagement in the Western Balkans (WB) dates back to the 1990s when the Balkan region was torn apart by ethno-nationalist wars in the process of dissolution of the Socialist Federal Republic of Yugoslavia (SFRY). The initial involvement of the EU was intended to end the conflicts and restore peace and stability in its neighbourhood. In 2003, the EU recognised that a clear membership perspective would be a stronger incentive to normalise the situation in the nearby region; for this reason, at the Thessaloniki European Council of the same year, the EU opened for the first time the accession possibility to all WB countries, i.e., Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.

Before discussing how the EU enlargement strategy in the WB has evolved over time, I will briefly present the enlargement procedure and the related accession criteria that have been adopted since the first enlargement wave in the early 1970s¹.

1.1 The enlargement process

From the onset of the European integration process in the 1950s, the six founding states of the European Communities² agreed on specific provisions to allow the accession of other countries³. According to the 1957 Treaty of Rome, countries that wished to join the Communities had to meet one single criterion: they had to be «European states», i.e., they had to be located within the geographical borders of Europe (European Economic Community 1957, article 237). Yet, it soon became clear that the expression «European state» entailed not only a geographical connotation but also a political, cultural and

¹ The first enlargement occurred in 1973, when Ireland, Denmark and the United Kingdom joined the six founding states – France, Germany, Italy, Belgium, Luxembourg and The Netherlands - in the European Economic Community (EEC). Since then, four other enlargement waves followed: Greece (1981), Spain and Portugal (1986); Finland, Sweden and Austria (1995); Lithuania, Latvia, Estonia, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Malta, Cyprus (2004) and Romania and Bulgaria (2007). Finally, Croatia was the last county to join the Union in 2013.

² The expression referred to the Coal and Steel Community, the European Economic Community and the European Atomic Energy Community.

³ It is worth to point out that already the 1950 Schuman Declaration envisaged the idea of a broader cooperation between more European countries, as it stated that the Franco-German pooling of coal and steel was open to the participation of other states.

historical one⁴. The European Commission in 1992 suggested that «The term *European* combines geographical, historical and cultural elements which all contribute to the European identity. The shared experience of proximity, ideas, values, and historical interaction cannot be condensed into a simple formula and is subject to review by each succeeding generation» (Commission of the European Communities 1992, 11). As a reaction to the transformations that were taking place in the former socialist countries of Central and Eastern Europe, the European Council that took place in 1993 adopted a set of additional criteria that would rule enlargement for the next two decades; these criteria concern the respect of the political, economic and legal provisions upon which the Union is founded. Political criteria refer to institutions that guarantee a solid democratic system, the respect of the rule of law and human rights and the protection of minorities; economic standards concern the existence of a functioning market economy and the capacity to cope with competition and market forces at the EU level (Article 49 TEU). Finally, legal criteria deal with effectively implementing all the obligations stemming from EU membership, including the aims of political, economic and monetary union (Article 49 TEU). The Copenhagen criteria were then enshrined first in the Treaty of Amsterdam (1997)⁵ and then in the Treaty of Lisbon (2007). According to the current legal framework⁶, if a third country wants to apply for EU membership, it must be committed to the promotion of EU core values listed in article 2 TEU, i.e., respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (European Union 2007, article 2).

The set of norms that each candidate country must transpose into its national legislation before becoming a full member are usually referred to as the *acquis communautaire*. As I will later discuss, the EU enlargement strategy in the WB has traditionally divided the EU *acquis communautaire* into 35 chapters, each covering a specific policy area. Two chapters of the *acquis* are the «fundamentals»: chapter 23, which deals with Judiciary and Fundamental Rights and chapter 24 on Justice, Freedom and Security. According to the new enlargement methodology adopted in February 2020, the 35 negotiating chapters are

⁴ The political connotation essentially referred to existence of a democratic system. An example for that is the rejection of the Spanish application in 1962: as Spain was still under the Francoist dictatorship, it could not be considered a European state, and hence it could not apply to become member of the Communities.

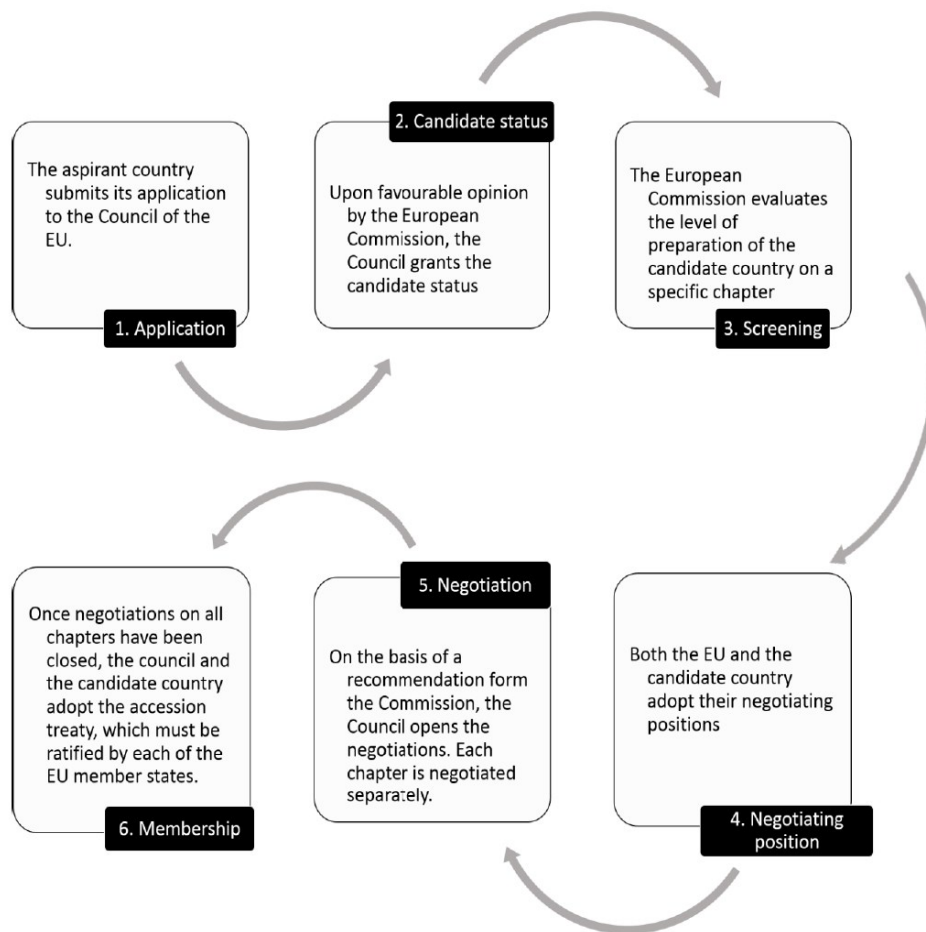
⁵ Article 8a of the Treaty of Amsterdam clearly provided that the respect of the EU fundamental principles was a precondition for the accession of new countries.

⁶ Article 49 of the Treaty on the European Union.

now gathered into six thematic clusters: 1) fundamentals, 2) internal market, 3) competitiveness and inclusive growth, 4) green agenda and sustainable connectivity, 5) resources, agriculture and cohesion, 6) external relations (European Commission 2020).

Figure 1 describes in a simplified way the main steps of the enlargement procedure. As it is evident, it is a long and cumbersome process, with several actors involved at the EU, member states, and candidate country's levels.

Figure 1 The EU enlargement process according to Article 49 TEU.



The enlargement policy is regulated by the intergovernmental method: the Council of the EU is the main decision-making centre, which always decides by unanimity. It follows that each member state has a veto power with which it can potentially block the entire process. This is precisely what happened in October 2019, when the French veto prevented the opening of negotiations with two candidates, i.e., Albania and North Macedonia. The most technical issues are managed by the Working Party on

Enlargement (COELA) and the Working Party on the WB region (COWEB). The final decision is ultimately taken by the General Affairs Council (GAC) and/or the Foreign Affairs Council (FAC).

Despite the political power of the Council, the European Commission is the main driver of enlargement. Besides providing technical and administrative support to the Council, it is also an important source of information: the Commission is indeed responsible for the screening process and is the main interlocutor for candidate countries during the negotiation phase. Moreover, it publishes Annual Reports that each year inform on the accession negotiations with candidate countries.

Compared to the Council and the Commission, the European Parliament (EP) has a relatively weaker role. Because enlargement falls under the intergovernmental approach, decisions are not taken following the Ordinary Legislative Procedure (OLP); hence, the EP does not formally participate in decision-making. Yet, it retains an important function, as it has the budgetary power to determine the share of the EU budget that is destined to the Instrument for Pre-accession Assistance (IPA), which is the instrument thanks to which the EU supports the reform process of candidate countries through financial and technical aid. It is also worth mentioning that the Parliament's Committee on Foreign Affairs maintains regular bilateral relations with the national Parliaments of the WB countries to discuss issues concerning EU accession.

Although the Council of the European Union, the European Commission and the European Parliament are the main actors involved in the enlargement process, they are not the only ones. At the EU level, the Presidency of the Council is another institution that can influence the process: indeed, the definition of the priorities for the rotating presidency's mandate may result in a stronger or weaker commitment to enlargement. Moreover, single member states may influence the EU enlargement policy according to their national interest and foreign policy objectives. Finally, Civil Society Organizations (CSOs) – the object of this research – can perform important tasks in the process of EU accession, as I will discuss in the third section of this chapter.

1.2 Enlargement perspective for the Western Balkans

1.2.1 From the Regional Approach to the Stabilisation and Association Process (1996-1999)

The European perspective of the WB countries emerged soon after the conclusion of the armed conflicts that tore the region apart during the 1990s. In the aftermath of the dissolution of former Yugoslavia, the European Union had gradually become the most important point of reference for the new countries as they started to recover from the disastrous consequences of the war. As I shall discuss, the EU relations with the countries of the region has always been subjected to a strong conditionality regarding the respect of the European core values and democratic principles.

The first engagement came soon after the Peace Agreement of Dayton in 1995 and Rome in 1996 (Pippan 2004, 219). With its Regional Approach, the EU offered financial assistance, unilateral trade preferences and cooperation agreements to the WB. However, it made them conditional upon the respect of political criteria such as the respect of human and minorities' rights, and the rule of law (Pippan 2004, 223). Amid the NATO bombing campaign against the Federal Republic of Yugoslavia⁷ in 1999, the EU foreign ministers negotiated the Stability Pact for South-Eastern Europe (SPSEE) within the Common Foreign and Security Policy framework. Although it was initiated by EU ministers, the Pact was not an official EU instrument, as its management was transferred to the Organization for Security and Cooperation in Europe (OSCE). It worked as a platform for international cooperation to foster democratisation and respect for human rights, economic reconstruction, development, and security. Its adoption was an important step in EU-WB relations, as the EU Council offered for the first time the possibility of full integration to the countries of the region (Pippan 2004, 227). The logic that stood behind this decision is the same one that the EU leaders had already applied vis-a-vis Central and Eastern European countries: the prospect of full membership was consider the strongest incentive to push the WB to implement policies aimed at economic reconstruction, political reforms, and regional cooperation (Pippan 2004, 228).

⁷ At that time, Serbia and Montenegro were the only members of the Federal Republic.

In the same year, the EU launched a more sophisticated policy framework: the Stabilisation and Association Process (SAP), which followed up on the former Regional Approach. The main novelty concerned introducing new contractual relations, i.e., the Stabilisation and Association Agreements (SAAs), that somehow resembled the Europe Agreement signed with CEECs (Pippan 2004, 233). The SAAs are bilateral treaties between the EU and single aspirant countries to establish a formal association between the parties; on the part of the WB, they also include a new commitment to harmonise their national legislation with that of the EU. To sign a SAA, aspirant countries must have reached positive results on compliance with the political, economic, and legal accession criteria. The SAA contains measures to a) enhance trade liberalisation and improve WB access to the single market; b) improve financial and economic assistance, especially through the program for Community Assistance for Reconstruction, Development and Stabilization (CARDS); c) promote regular political dialogue and d) strengthen cooperation in the field of Justice and Home Affairs (JHA).

Once an aspirant country signed a SAA, it remained under the continued scrutiny of the EU Commission and Council, that each year would release a country report – like the current Annual Reports – to monitor compliance with accession criteria and give recommendation for future action (Pippan 2004, 238). It is worth pointing out that the strength of EU conditionality was not based on negative measures imposed on aspiring countries in case of non-compliance, but rather on an anticipatory effect, according to which credible possibility of rewards in terms of improved relations could incentivise compliance with EU conditions (Pippan 2004, 239).

The SAP has both a bilateral and a regional dimension: it creates strong bilateral ties between the EU and each WB country while at the same time promoting regional cooperation among the latter (Pippan 2004, 229).

1.2.2 Evolution of the enlargement strategy

After the launch of the SAP, the EU officially opened the accession perspective to the entire WB region at the 2003 European Council that took place in Thessaloniki. Since then, two countries have become full member states: first Slovenia in 2004 and then Croatia in 2013. Currently, the EU has ongoing negotiations with Serbia and Montenegro, while Albania and North Macedonia received the ‘green light’ to open

negotiations in March 2020. Finally, Bosnia and Herzegovina and Kosovo are *potential* candidates.

Since the failure of the adoption of the Constitutional Treaty in 2004/2005 and the changes brought about by the Eastern enlargement, the EU has suffered from a multi-dimensional crisis (Dinan et al. 2017), e.g., the 2008 financial crisis, the migratory crisis, and the rule of law crisis, which have shifted attention and political efforts to internal consolidation rather than to further external enlargement (Griessler 2020, 2). After the Croatian accession in 2013, the EU seems to have somehow neglected the enlargement perspective offered to the WB in 2003, failing to make decisive progress and to provide a clear timeframe for accession (Griessler 2020, 18). For these countries, the path towards membership has been particularly slow and tortuous, and it has caused frustration among WB political elites and populations: the EU *enlargement fatigue* has translated into *reform fatigue* in candidate and potential candidate countries (Griessler 2020, 2).

In 2015, the European Commission affirmed that «The peoples of the EU and the (WB) region have a common heritage and history and future defined by shared opportunities and challenges» and it recognised the need to «Reaffirm unequivocally the European perspective of the enlargement countries to avoid the risk of disillusionment with the process» (European Commission 2015, 3). In the State of the Union Address in 2017, the former President of the European Commission Jean-Claude Juncker stated that although no further enlargement would happen within the mandate of his Commission (2014-2019), the EU would maintain a credible enlargement perspective for the WB to guarantee peace and stability (European Commission 2017a, 15). One year later, the European Commission followed up on Juncker's speech and launched a new enlargement strategy for the WB. The new strategy was laid out in the European Commission communication entitled '*A credible enlargement perspective for an enhanced EU engagement with the Western Balkan*', in which enlargement was described as a «A powerful tool to promote democracy, the rule of law and the respect for fundamental rights» (European Commission 2018, 2) and a «Key driver of transformation» (European Commission 2018, 2) that could foster regional reconciliation and help the countries to overcome the legacy of their past. In the document, the European Commission also opened to the possibility

that two candidate countries, i.e., Serbia and Montenegro, could gain full membership by 2025 (European Commission 2018, 8).

The new enlargement strategy confirmed that enlargement would remain based on a strict but fair conditionality and on two principles introduced by the Commission in 2015, i.e., the principle of *own merits* and the principle of *fundamentals first* (European Commission 2015, 13). According to the former, awards concerning EU membership would be earned upon fulfilment of EU conditionality. At the same time, the latter stipulates that accession negotiations would focus on reforms in core fields such as the rule of law, the judiciary, protection of fundamental rights and a well-functioning public administration (European Commission 2015, 13). The new strategy also entailed a «Six Flagships Initiative» which identified six priority policy areas, i.e., the rule of law, security and migration, socio-economic development, energy and transport connectivity, digital agenda, reconciliation and good neighbourly relations (European Commission 2018, 9).

Despite the renewed commitment, the enlargement process found itself in a new stalemate only one year later, when the French veto blocked the opening of accession negotiations with Albania and North Macedonia at the European Council in October 2019. Two major reasons laid behind the French «*non*»: first, France considered that the EU should strengthen its existing policies and institutions before thinking about the admission of new countries, and second, it strongly doubted the effectiveness of the current enlargement format in guaranteeing the respect of the accession criteria by candidate countries (Hoxhaj 2020, 10)⁸. This doubt was even reinforced by the fact that the EU still lacks an enforceable mechanism to address democratic backsliding even in members states, as the Polish and Hungarian cases show. The French veto was not well welcomed by “enlargement-friendly” member states⁹, which considered it a serious damage to EU credibility as a geo-strategical actor in the region (Hoxhaj 2020, 11). Nor was it accepted by the two candidate countries, which were denied the possibility to finally open negotiations after having complied with EU conditionality. To contain the potential damage, France proposed a reform to the enlargement strategy in a *non-paper* that it

⁸ The Netherlands and Denmark joined France in contesting the enlargement method and requiring a revision of the methodology (Griessler 2020, 3).

⁹ The Italian Prime Minister Giuseppe Conte and the German Chancellor Angela Merkel both expressed their disappointment with the French decision (Emmott et al. 2019).

published in November 2019. While reaffirming «The unequivocal support to the European perspective of the WB countries» (Non-paper Reforming the European Union accession process 2019, 1), France called for a new approach based on four core principles: a) gradual association; b) more stringent conditions; c) tangible benefits; d) reversibility of the process (Non-paper Reforming the European Union accession process 2019, 1). The proposal envisaged that accession negotiations would take place on seven successive stages at the end of which the EU would reward candidate countries with participation in EU programmes or policies - e.g., inclusion in the Europol or Eurojust systems - thus making benefits connected to EU accession more straightforward for candidate countries. With the proposed methodology, negotiations would start from Chapters 23 and 24 of the acquis dealing with the rule of law, fundamental rights, justice and security. The principle of reversibility is one of the main innovations of the French suggestion: to ensure and strengthen the incentive nature of EU conditionality, France proposed to envisage the possibility «to step backwards» or to suspend the negotiations in case candidate countries do not deliver on reforms or challenge EU fundamental values (Non-paper Reforming the European Union accession process 2019, 3). Finally, the non-paper called for a strengthened role of member states which would be better involved in monitoring and evaluating candidate countries' progress.

Despite causing much frustration on both the EU and the WB side, the French veto and the subsequent proposal had the merit of reigniting the debate on enlargement. To avoid WB further detachment from the EU and their orientation towards other actors, i.e., Russia, China and Turkey, in February 2020 Olivér Várhelyi, the new Commissioner for Neighbourhood and Enlargement Negotiations (DG NEAR), announced a revised methodology for the accession process, which the European Council officially adopted in March 2020. The methodology basically incorporated all the major proposals advanced by France. It is based on four principles: credibility, predictability, dynamism and stronger political steer (European Commission 2020). As anticipated, the major novelty is that accession negotiations will no longer be divided into 35 chapters but rather into six clusters (Table 1).

Table 1 Cluster of negotiating chapters.

Source: European Commission 2020.

New cluster	Former negotiating chapters/criteria
1. Fundamentals	23 – Judiciary and fundamental rights 24 – Justice, Freedom and Security Economic criteria Functioning of democratic institutions Public administration reform 5 – Public procurement 18 – Statistics 32 – Financial control
2. Internal market	1 – Free movement of goods 2 – Freedom of movement for workers 3 – Right of establishment and freedom to provide services 4 – Free movement of capital 6 – Company law 7 – Intellectual property law 8 – Competition Policy 9 – Financial services 28 – Consumer and health protection
3. Competitiveness and inclusive growth	10 – Information society and media 16 – Taxation 17 – Economic and monetary policy 19 – Social policy and employment 20 – Enterprise and industrial policy 25 – Science and research 26 – Education and culture 29 – Custom union
4. Green agenda and sustainable connectivity	14 – Transport policy 15 – Energy 21 – Trans-European networks 27 – Environment and climate change
5. Resources, agriculture and cohesion	11 – Agriculture and rural development 12 – Food safety, veterinary and phytosanitary policy 13 – Fisheries 22 – Regional policy and coordination of structural instruments 33 – Financial and budgetary provisions
6. External relations	30 – External relations 31 – Foreign, security and defence policy

The first cluster on the rule of law and democratic institutions will be at the core of negotiations: it will be the first to open and the last one to be closed (European Commission 2020, 3). Former chapter 27 on the environment and climate change, on which this research is focused, is now included in the fourth cluster dedicated to the Green Agenda and Sustainable Connectivity. According to the Commission, this new methodology could contribute to speed up the process: «Where important reforms will be

implemented before opening, the timeframe between opening the cluster and closing of chapters should be limited, preferably within a year» depending on the progress of reforms (European Commission 2020, 4).

Enlargement remains a merit-based process, requiring a strong and continuous commitment by the EU and candidate countries. To offer stronger incentives, the new methodology envisages the possibility for candidate countries to gradually phase into individual policies and programmes upon closing one cluster (European Commission 2020, 6). However, it also provides the possibility of reversing the process in case of backtracking (European Commission 2020, 5). Moreover, the enlargement policy will receive increased investments, especially through IPA III (European Commission 2020, 5). Finally, the new approach provides for a «stronger political steer», which means that EU member states will have a stronger role, especially in monitoring the progress of negotiations, which will, in turn, double the work done by the European Commission so far (European Commission 2020, 3). The 2020 methodology will be applied to Albania and North Macedonia, with whom the European Council agreed to open negotiations in March 2020. As Serbia and Montenegro have already started their negotiations, they were given the possibility to opt-in and adopt the new methodology as well.

Soon after the announcement of the new enlargement methodology in February 2020, the Covid-19 pandemic spread worldwide, having disruptive effects on people's lives and the economy both in the EU and the WB (European Commission 2020a, 2). In this challenging time, when the EU had to face an unprecedented crisis, its solidarity towards its WB neighbours was once again called into question. The initial decision of the EU to limit the exports of health equipment to third countries caused severe reactions from WB' leaders, especially from the Serbian President Aleksandar Vučić, who even defined European solidarity as a «Fairy-tale on paper» (Bancroft 2020). The intervention of other countries in the region, especially the Chinese *mask diplomacy* (Vuksanovic 2020), has contributed to worsening the perception of EU absence. When Vučić declared the state of emergency in Serbia in March 2020, he referred to Serbia's «Chinese brothers» as «The only ones who can help» (Simić 2020). The EU soon understood that leaving its neighbours alone in such delicate times would severely damage their relations and risk putting an end to the integration process (Di Mino and Siragusa 2020, 11). In April 2020, to restore trust among the WB, the EU issued the Communication «*Support to the Western*

Balkans in tackling COVID-19 and the post-pandemic recovery» together with an Economic and Investment Plan with which it allocated a €3.3 billion financial support package to support long-term recovery and boost economic growth in the WB (European Commission 2020a, 2). The package included a reallocation from IPA funds for €38 million to give immediate support for the health sector, e.g., deliveries of personal protective equipment, ventilators and tests and €389 million to address social and economic recovery needs (European Commission 2020a, 3). Moreover, the new Multiannual Financial Framework 2021-2027 (MFF), which is the largest package ever financed through the EU, includes a section for «*Neighbourhood and the world*» that amounts to €98.4 billion and €14.5 billion for the new IPA III (European Commission 2020c). Together with the financial aid, the EU also increased cooperation in tackling common challenges, such as the joint procurement of medical equipment, with the association of the WB countries with the work of the EU health security committee and with the supply of testing material developed by the EU Joint Research Centre to guarantee the correct Covid-19 tests (European Commission 2020a, 4). In the Communication on Enlargement published in October 2020, the Commission punctually pointed out that the EU financial aid and cooperation with the WB in times of Covid-19 «Have gone far beyond what any other partner has provided to the Western Balkans» (European Commission 2020a, 2).

The measures adopted by the EU to tackle the Covid-19 pandemic may have had positive results: according to the latest Balkan Barometer report on public opinion, there has been a notable increase in support for EU accession across the region in 2020, with 59% of the respondents being in favour of membership, compared to 56% in 2018 and 49% in 2017 (Balkan Barometer 2020, 39). However, in the last part of this chapter, I will discuss that the situation in Serbia is quite different, with a large part of the population holding a negative opinion on EU accession (Balkan Barometer 2020, 40).

1.2.3. The Berlin Process

Alongside the EU's official enlargement policy, in July 2014, German Chancellor Angela Merkel launched the Berlin Process for the Western Balkan Six (WB6) to inject new energy into the enlargement process and show the WB that their accession perspective

was not being set aside (Griessler 2020, 1). This process is particularly important for this research, as it emphasises the role that civil society can play in the enlargement policy.

In 2014, at Germany's invitation, four other EU members took part in the first summit, i.e., France, Austria, Croatia and Slovenia. Six other summits have followed the Berliner one¹⁰, and other EU countries have joined the team: Italy (2015), the United Kingdom (2017), Poland, Bulgaria and Greece (2018). The Berlin Process agenda aims to foster economic growth and increase regional cooperation to guarantee political stability, and it is based on three pillars (Griessler 2020, 8). The *diplomatic* pillar addresses bilateral issues and political disputes that must be resolved before EU accession, such as the normalisation of relations between Serbia and Kosovo. The promotion of good neighbourly relationships has been a central theme in the 2015 Vienna summit, during which participant countries adopted the Declaration for Regional Cooperation and the Solution of Bilateral Disputes. Since 2014 some good progress has been made in this regard, first of all, the 2018 Prespa Agreement between Greece and North Macedonia, which brought to an end a decade-long dispute on the latter's name. The *economic* pillar seeks to support economic growth by enhancing energy and transport infrastructures and the development of regional markets through the Central European Free Trade Agreement (CEFTA). It also aims at improving economic governance in the WB6 and addresses the challenge of youth unemployment. Finally, the *'soft'* pillar (Griessler 2020, 8) deals with civil society engagement and promoting educational projects and youth exchanges. Three fora have been launched under this pillar: The Business Forum, the Civil Society Forum and the Youth Forum. Since 2015 they have organised annual and interim meetings alongside the summits and have participated in the process through policy recommendations and suggestions (Griessler 2020, 18). Another important achievement of the Berlin Process has been the creation of the Regional Youth Cooperation Office (RYCO) by the WB6¹¹. The establishment of this office has been a major step in promoting cooperation and reconciliation among the region's young people through increased mobility, encounters, and exchange programmes (Griessler 2020, 10).

¹⁰ Summits of the Berliner Process: Berlin (2014), Vienna (2015), Paris (2016), Trieste (2017), London (2018), Poznan (2019), Sofia (2020, online). The Summit of the next year will take place in Berlin.

¹¹ RYCO was created in 2016 during the summit that took place in Paris.

Other topics have been addressed during the summits, e.g., migration control (Vienna 2015), fight against corruption (Trieste 2017, London 2018), the development of a digital agenda WB6 and cybersecurity (Poznan 2019). Sustainable development and environmental protection have also been tackled: participant countries adopted the Western Balkan Sustainable Charter in Paris (2016), while in Poznan (2019), the ministries for the environment of the WB6 signed the joint Statement on Clean Energy Transition and prepared a Green Agenda to fight climate change (Griessler 2020, 15).

Whether the Berlin Process has been successful in addressing the challenges of enlargement and in galvanising the process is still an open question (Griessler 2020, 21). On one side, the participation of a relatively small number of EU members demonstrates that the EU cannot speak with one voice to the WB6. On the other side, these “enlargement-friendly” countries have shown a serious commitment to enlargement, and this is testified by the fact that the Berlin Process has been extended after 2018 when it was actually meant to conclude (Griessler 2020, 21). The Berlin Process has certainly helped revive the interests in the WB and has contributed to building a relationship based on mutual trust between the WB6 and the participant EU countries. As a final remark, it is important to point out that the Berlin Process was not intended as an alternative to the official EU enlargement strategy, but it was rather meant to ‘repair’ the damaged credibility of the EU in the region and to send a positive message to the WB6 on their future within the EU (Griessler 2020, 2).

1.2.4 Sum-up of EU-WB relations

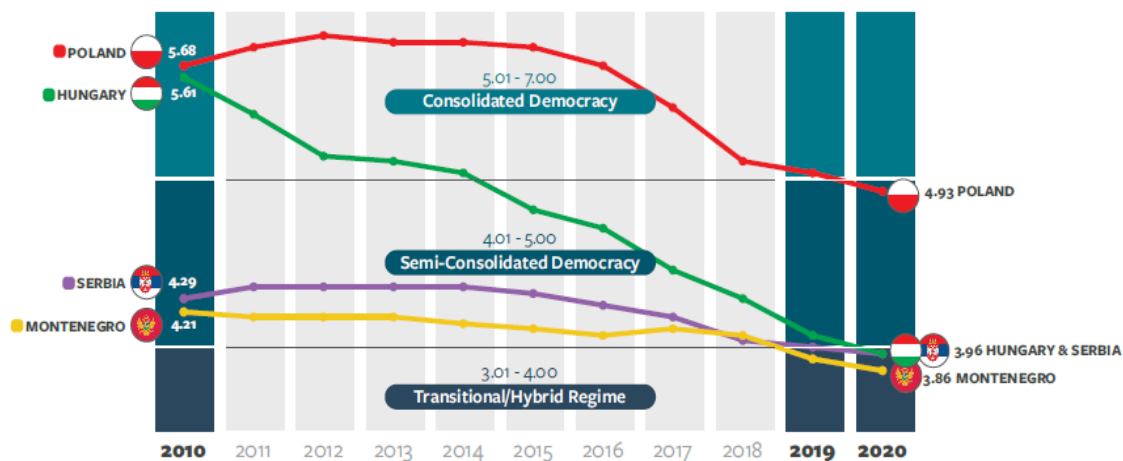
This brief overview of the EU engagement with the Western Balkans demonstrates that the relationship between the two parties has always been characterised by a strong political, economic and legal conditionality which has dictated the speed towards further integration.

According to Frank Schimmelfennig, one of the most prominent scholars on enlargement, there are at least three conditions that need to be satisfied for conditionality to be successful. The first two conditions regard the *credibility* of conditionality and normative consistency: candidate countries must be certain that they will be a) «Rewarded with significant steps towards accession after complying with EU’s conditions» and b) «Excluded from EU membership otherwise» (Schimmelfennig 2008,

920). The last condition concerns candidate countries' domestic environment and political costs: when the ruling elite presents authoritarian and illiberal traits, conditionality is unlikely to be successful as compliance with EU requirements would be too costly for the regime's survival and the government (Schimmelfennig 2008, 921). Considering the case of the Western Balkans, it is evident why EU conditionality has not been particularly successful in the latest years. Indeed, as suggested by some scholars, the European Commission's monitoring of the accession process in some candidate countries could be renamed "no-progress report" (Woelk 2017). On the EU side, the persistent internal divisions among member states and EU institutions have prevented the implementation of a coherent policy and have hindered its ability to deliver on its promises of membership-related rewards when reforms were successfully carried out by candidate countries, as the French veto in October 2019 showed. The new methodology and the possibility of phasing into EU programs and policies once one cluster of negotiations has been closed may be a good improvement in this sense.

On the WB side, serious problems connected to state capture, the rule of law, widespread corruption, and the continued strength of nationalist parties have caused a general democratic backsliding which has contributed to slow down and delay the reform processes. According to the 2020 Nation in Transit index published by Freedom House, Serbia and Montenegro, the two frontrunners in the enlargement process can no longer be considered democracies but rather transitional or hybrid regimes (Figure 2). The downgrade is due to increased state capture, abuse of power, threats to the independence of the judiciary, weakened legislative power and marginalisation of political opposition and continued attacks on media and civil society (Freedom House 2020, 2, 8).

Figure 2. Democratic decline: Serbia, and Montenegro all left the group of democracies and became Transitional/Hybrid Regimes.
Source: Freedom House 2020.



Fragile democratic institutions have also opened the door for authoritarian powers such as Russia, China and Turkey (Freedom House 2020, 2). The increased political influence of such powers threatens the EU’s role as the main point of reference for the countries in the region. If the Union continues to send inconsistent and contradictory messages to the Western Balkans countries, its credibility in the region will be further damaged, and aspirant countries may become increasingly disillusioned about their membership perspective and more inclined to consider political alternatives offered by these other powers.

In the third section of this chapter, I shall focus on the specific case of the Serbia-EU relationship, but before doing that, I will analyse the EU strategy towards civil society as part of the enlargement agenda in the WB.

1.3 EU support to civil society in enlargement countries

The European Union has always recognised civil society as a building block of democracy and an indicator of good governance (Commission of the European Communities 2001). CSOs play an important role in mobilising citizens and giving voice to their needs and priorities (Commission of the European Communities 2001, 13); they foster pluralism, social innovation, sustainable development and inclusive growth and allow participatory

models to emerge (European Commission 2012, 3). The EU considers as CSOs «All non-State, not-for-profit structures, non-partisan and non-violent, urban and rural, formal and informal organisations, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic, from the local to the national, regional and international levels» (European Commission 2012, 3).

Since its outset, the EU has adopted a political discourse that supported a specific type of civil society, i.e., the progressive, socially inclusionary civil society expressing pro-EU values such as democratic participation, antidiscrimination, and promotion of human rights (Ruzza 2021, 120). Yet, in recent times scholars and professionals of the sectors have started talking about a «shrinking space» for civil society, identifying part of the reason in the political change that has occurred in some member states: indeed, the rise of populist parties in different EU countries such as Italy, Poland and Hungary has had a negative impact on civil society (Ruzza 2021, 121). Right-wing populist parties tend to have a contradictory attitude towards civil society: on one side, they distrust progressive CSOs, which they consider an elite of experts advocating for pro-EU values, while on the other, they approve likeminded conservative organisations that tend to oppose liberal democratic principles such as anti-discrimination or human rights (Ruzza 2021, 122). After the success of populist parties at the 2019 elections for the European Parliament, some conservative groups active at the national level have become increasingly influential at the EU level and have been able to represent their views and interests in the EP thanks to their links with populist Members of Parliament (Ruzza 2021, 123). The role and function of liberal civil society at the EU level are thus challenged by the gradual institutionalisation of a contrasting family of conservative uncivil society organisations (CUCS) (Ruzza 2021). Contrary to civil society, which usually deals with migration, sexual exploitation, human rights, gender issues, and the environment, uncivil society groups tend to prioritise other topics such as natural order, law, family and marriage and religion (Ruzza 2021).

A good example of this is *Agenda Europe*, the main organisation of CUCS advocating for a strategy against euthanasia, religious freedom, same-sex marriage and family and antidiscrimination norms (Ruzza 2021, 126). Another organisation worth mentioning is the World Congress of Families (WCF) in Verona in 2019, i.e., a conservative coalition of civic groups based in the US which support Christian right-wing values and oppose

same-sex marriage. Although the stance of these groups violates article 2 TEU that prohibits any form of discrimination, the WCF enjoys high support in some EU member states: in 2019, for example, the annual event of the WCF was held in Verona and was attended by different representatives of the Italian Lega party (Ruzza 2021, 131). It is nevertheless important to underline that although they adopt conservative and illiberal stands that clash with EU values and norms, CUCS groups emerging at the EU level tend to be less extreme than more militant and, at times, violent organisations working at the national level (Ruzza 2021, 125, 127).

Despite the growing influence of CUCS, progressive, pro-EU CSOs still dominate the civic space at the European level (Ruzza 2021). Although CUCS is still relatively marginal, it is nevertheless important to discuss its role to understand to what extent it will pose a threat to civil society and liberal democracy in the coming years. As I will discuss later in this chapter, this type of illiberal civil society is emerging in enlarging countries: in Serbia, populist groups with strong ethnonationalist and religious features arose to challenge pro-EU accession CSOs.

Not only the EU intends to strengthen civil society and participatory models within its member states (Wunsch 2015a, 3), but it is also committed to supporting civil society in partner countries. The EU has recognised that CSOs play an important role in conflict prevention and peace building; hence support to civil society has been integrated into the peace and security agenda that the EU has promoted in its external relations (European Commission 2012, 6).

In the 2007 enlargement strategy, the European Commission included civil society development among the key priorities of accession. In 2013 it reiterated this commitment with the adoption of the *Guidelines for EU support to civil society in enlargement countries 2014-2020* (European Commission 2013). Although the Guidelines are non-binding, they show a clear commitment by the EU and provide a strong rhetorical pressure on the government from candidate countries (Wunsch 2015a, 6). The new emphasis on civil society promotion should be understood as a response to the unsatisfactory results of previous enlargement waves, during which executive-driven reforms have led to unsatisfactory results and an unfinished democratisation process (Wunsch 2015a, 3). The recent democratic backsliding in some EU member states, above all in Hungary and

Poland, showed the weaknesses of the EU enlargement strategy and the danger of lacking a post-accession monitoring mechanism to early detect any deviation from reforms (Wunsch 2015a, 8). The shortcomings of the EU approach to civil society in candidate countries were also unveiled by the accession of Croatia in 2013 and the post-accession developments: the late involvement of CSOs in negotiation talks and the suspended support for the sector once the country had become a member state have indeed prevented CSOs from significant participation in the accession process and from influencing it (Wunsch 2015a, 8). Two lessons can be drawn from the Croatian experience: first, the importance of involving CSOs since the very beginning of the accession process, and second the need to formally recognise their role as partners of public authorities and EU institutions (Wunsch 2015a, 9).

As an instrument for democracy promotion, CSOs can perform lobby, advocacy and oversight activities to guarantee transparency of the process and accountability from public institutions. They can also help governmental actors to meet accession criteria and fulfil political conditions regarding, for example, human rights, fundamental freedoms and the rule of law. Moreover, CSOs may act as a bridge between European and national institutions and the wider population, bringing the accession process closer to citizens and their needs. In this way, they help deepen citizens' understanding of enlargement reforms, thus stimulating a public debate on enlargement, which would ultimately allow a well-informed decision on EU membership (Commission 2013).

Overtime, the EU strategy for civil society empowerment in enlargement countries has developed along three dimensions (Wunsch 2015a):

- a) Support to capacity building and CSOs' internal governance through, for example, educational trainings and programmes aimed at transferring expertise and best practices from member states to candidate countries;
- b) Promotion of an enabling legal and institutional framework that recognises the right to association, freedom of speech, accession to information and the possibility to engage in public policy-making (European Commission 2012, 5)
- c) Encourage improved state-civil society relations through constructive dialogue and partnerships to guarantee lasting empowerment of civil society even after accession (Wunsch 2015a, 4).

Alongside the political support, the EU has also provided enlargement countries with financial and technical assistance through a «Mix of funding instruments», e.g., programme funding, direct awards, pool-funding and follow-up granting (European Commission 2013, 3). The two major sources of financial aid are the IPA and the Civil Society Facility (CSF), both of which were envisaged in the 2007 enlargement strategy of the Commission. The CSF was created in 2008, and it serves three aims: first, it supports CSOs' initiative at the local and national level to strengthen their role in public life; second, it favours the creation of partnerships and networks of CSOs from member states and candidate countries to help the sharing of experience and knowledge; and third, it implements the 'People-2-Programme'¹² to connect local civil society, EU institutions and CSOs from member states to allow the exchange of know-how and best practices (Civil Society Facility 2020).

While the EU insists on openness and dialogue with CSOs, it does not provide a specific format for their inclusion in the accession process. On the contrary, it is the responsibility of candidate countries to decide which model to adopt. According to Natascha Wunsch, transnational learning (Figure 3) is instrumental in transferring successful mobilisation mechanisms from one (former) enlargement country to another (new) one: «transnational learning acts as a vehicle for the empowerment of civil society actors» (Wunsch 2019, 7). Wunsch argues that when the domestic environment is not open to civil society participation, CSOs are more likely to look at external formats for mobilisation (Wunsch 2019, 8). This is precisely what has happened in Serbia, as it has adopted two external formats for inclusion taken from former enlargement countries: the creation of the National Convention on the EU is inspired by the Slovakian model of a de-facto institutional mechanism for inclusion, while the monitoring coalitions PrEUgovor follows the Croatian experience of Platform 112¹³.

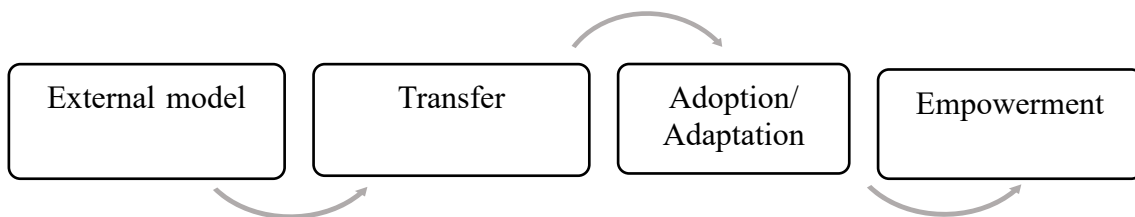
Interestingly, Wunsch distinguishes two types of civil society empowerment: *procedural* empowerment refers to the formal recognition of civil society and improved access to agenda-setting, while *substantive* empowerment occurs when civil society can actually

¹² The programme includes, among its activities, study visits to EU institutions to create a direct link between CSOs from candidate countries and the EU.

¹³ Platform 112 was a coalition of CSOs that published shadow reports to monitor progress of reforms on the rule of law and fundamental rights (Wunsch 2019, 17)

influence policy outcomes (Wunsch 2019, 3). The Croatian experience has been crucial in showing the need of including CSOs since the early stages of the accession process in order to ensure substantive empowerment of the sector (Wunsch 2019, 24). However important transnational learning may be, Wunsch recognises that positive effects risk being hampered by an uncondusive political context in which public institutions remain close and do not respond to civil society efforts (Wunsch 2019, 4).

*Figure 3: Transnational learning process.
Source: Wunsch 2019.*



The EU strategy to support civil society has had opposing results. While EU support has undoubtedly helped to improve the domestic legal and institutional framework for civil society activities in candidate countries, legal provisions alone have not led to substantive empowerment of CSOs (Wunsch 2019, 24). CSOs tend to be involved at a later stage of the decision-making process (Wunsch 2019, 11), and consultations remain mostly ornamental (Wunsch 2015a, 4) and a ‘tik the box exercise’ (Marović et al. 2019, 6). What is sure is that the EU intervention has led to a significant professionalisation of the sector (Wunch 2019, 2), favouring in particular large and well-established organisations mostly based in the capital cities of candidate countries (Wunsch 2019, 4). This practice has contributed to widening the gap between large organisations and smaller ones. To narrow this gap, the EU has introduced sub-granting mechanisms that would allow local and grass-roots associations to have better access to EU funding (Youngs 2020, 5). EU grants have become the main funding source for civil society actors, especially after other international donors have begun to withdraw their financial assistance from the region (Wunsch 2019, 4). This has had an unintended negative effect on the civil sector, as it has become increasingly dependent on EU aid. Consequently, a large number of CSOs have started to work on accession-related issues to respond to the EU agenda rather than to the needs of their constituencies (Wunsch 2019, 4). The problem of a donor-driven sector detached from the local populations poses serious threats to the independence and

legitimacy of civil society, thus impeding the emergence of truly participatory models (Wunsch 2015a).

To sum up, civil society provides important contributions to the accession process in candidate countries for the following reasons: it can act as a checks and balances actor to guarantee government's accountability; it may safeguard eventual backsliding on accession-related reforms and ensure their proper implementation (Wunsch 2019); it allows for transparency of the process, and it can foster a public debate to bring enlargement issues closer to citizens. The essential precondition for civil society to perform these tasks is a favourable domestic political environment, with state actors willing to systematically include CSOs and to build sustainable dialogue and cooperation. Thanks to its strategy, the EU has had the merit of improving the legitimacy of civil society actors vis-à-vis state structures: the legal framework for civil society inclusion in the two most advanced candidates, i.e., Serbia and Montenegro, has indeed improved under the influence of EU conditionality (Marović et al. 2019, 6). Yet, this kind of procedural empowerment has not led to substantial empowerment of CSOs. The improved legal and institutional framework does not necessarily mean that CSOs can effectively influence policy-making, as there are still serious shortcomings concerning, for example, late inclusion of CSOs, lack of feedbacks on civil society's input, limited number of recommendations taken into account and low levels of transparency on accession negotiations (Marović et al. 2019, 7, 13).

At this point, it is worth recalling that alongside the official strategy for civil society support, the six EU member states¹⁴ that participated in the Berlin Process launched the Civil Society Forum at the annual summit in Vienna in 2015. The Forum is coordinated by the European Fund of the Western Balkans¹⁵, and it gathers think tanks and policy-oriented organisations from the WB6 to favour the exchange of experiences and best practices on relevant topics such as the rule of law, security and migration and the environment. When the European Commission adopted the Six Flagship Initiative within

¹⁴ In 2015 the countries that participated to the Berlin Process were: Germany, France, Austria, Croatia, Slovenia and Italy.

¹⁵ The European Fund of the Western Balkans is a joint initiative of three European foundations, Erste Foundation, Robert Bosch Foundation, Kind Baudouin Foundation. Its goal is to foster increased civic engagement and improved regional cooperation of civil society across the WB in the framework of EU membership.

its 2018 enlargement strategy, the Forum re-organised its activities in six working groups, each dealing with one initiative (Civil Society Forum of the Western Balkans 2020)¹⁶. Every year, the Civil Society Forum has organised a side-meeting to the official Berlin Process summit, after which it advanced recommendations and opinions to policy-makers in policy recommendations or policy briefs (Marciacq 2017, 9). As I have already mentioned, one of the main success of the discussion on civil society fostered by the Berlin Process is the creation of the Regional Youth Cooperation Office (RYCO), whose primary aim is to promote reconciliation through youth mobilisation. Although it was formally initiated outside the framework of the Civil Society Forum, it has been an important instrument to create links between youth organisations and governments from the region (Marciacq 2017, 9).

1.4 Serbia's path towards European integration

This section will provide an overview of Serbia-EU relationships since 2000 in light of Serbia's future accession to the EU. As the scope of this research is to understand the role of CSOs in EU-related environmental policy, I will emphasise the meaning that the concept of civil society has acquired in the Serbian context and how it has evolved over time.

1.4.1 Serbia's political landscape after Milošević's downfall

In 1999 the International Criminal Tribunal for former Yugoslavia (ICTY) indicted the President of the Federal Republic of Yugoslavia Slobodan Milošević for war crimes against humanity committed during the war in Kosovo (Fagan and Sircar 2015, 92). Milošević had been in power since 1990: for seven years (1990-1997), he was President of the Republic of Serbia, and in 1997, he was elected President of the Federal Republic of Yugoslavia (Bonomi and Uvalic 2019, 3). During the years of his leadership, the Serbian political regime was largely non-democratic and had many authoritarian features, e.g., limited freedom of expression and media independence, threats to demonstrators and marginalisation of political opposition (Bonomi and Uvalic 2019, 3). The regime's ideology was dominated by strong nationalism expressed through the idea of achieving a

¹⁶ The six flagship initiative focuses on: 1) Rule of Law, 2) Security and Migrations, 3) Socio-economic Development, 4) Connectivity, 5) Digital Agenda and 6) Reconciliation and Good Neighbourly Relations.

«Greater Serbia» (Bonomi and Uvalic 2019, 3). This very nationalist idea was responsible for Serbia's involvement in several military conflicts throughout the 1990s. The direct consequence of such conflicts was a deep political, economic and social crisis, which was ultimately exacerbated by international isolation (Fagan and Sircar 2015, 92) and severe international sanctions imposed by the UN (Bonomi and Uvalic 2019, 4). Although international sanctions were temporarily lifted after the 1995 Dayton Peace Agreement, they were reintroduced in 1998 due to the deteriorating situation in Kosovo (Bonomi and Uvalic 2019, 4)¹⁷.

In 2000, to avoid extradition to The Hague and to consolidate his power position, Milošević proposed an amendment to the Yugoslav Constitution to remove presidential terms limits and thus to be able to participate in the 2000 presidential elections (Fagan and Sircar 2015, 93). To prevent Milošević's re-election, the two most prominent opposition parties, i.e., the centre-left Democratic Party (Demokratska stranka - DS) led by Zoran Djindjic and the centre-right Democratic Party of Serbia (Demokratska stranka Srbije - DSS) led by Vojislav Koštunica and other reformist parties formed the Democratic Opposition of Serbia (Demokratska opozicija Srbije – DOS) and proposed Koštunica as candidate president. The contested results of the elections and the accusations of voting irregularities both from the political opposition and civil society actors such as the Centre for Free Elections and Democracy (Centar za slobodne izbore i demokratiju – CeSID) and the political movement Otpor! (Resistance!) led to mass demonstrations in Belgrade that reached their peak on 5th October 2000 (Fagan and Sircar 2015, 93). The October revolution - also known as the “Bulldozer Revolution”- signed the relatively peaceful capitulation of Milošević's regime and the official declaration of Koštunica's electoral victory (Fagan and Sircar 2015, 93). The end of the regime ‘unblocked’ the transition towards a Western-style liberal democratic state with a market economy (Mikuš 2018, 63). Yet, instead of talking about an «unblocked transition» (Mikuš 2018, 64), some scholars have defined Serbia's regime change as a «transitional

¹⁷ The increased Serbian control over the Autonomous Province in Kosovo since the Constitutional reform in 1990 had cause clashes between the Serbian and the Albanian community which ultimately resulted into military confrontations between the Kosovo Liberation Army and the Serbian army. The conflict ended after the military intervention of NATO, which bombed Serbia from March to June 1999 (Bonomi and Uvalic 2019, 4).

failure», pointing out a great deal of continuity of personnel and institutions that characterised post-Milošević governments (Mikuš 2018, 63).

Two months after the October Revolution, the DOS coalition won the majority of seats in the Serbian Parliamentary elections, and Djindjic (DS) became Prime Minister. The ideological differences between the DS and the DSS led to difficult relations within the DOS, which ultimately caused the DSS's exit from the coalition in August 2001 (Fagan and Sircar 2015, 94). The new political elite's attempts at reforming Serbian politics were initially undermined by the strong legacy of the former regime, particularly as far as widespread organised crime and parallel security structures were concerned (Fagan and Sircar 2015, 94).

The new political hegemonic project (Mikuš 2018) envisaged two main goals: 1) promote a neo-liberal agenda with market-oriented reforms supported by international financial institutions; 2) move in the direction of transnational integration and especially European membership (Mikus 2018, 18).

The neo-liberal reform agenda, supported by international financial institutions such as the International Monetary Fund (IMF) and the World Bank, included projects for liberalisation, deregulation, privatisation and internationalisation (Mikuš 2018, 66). In the first years, the agenda seemed to be successful in improving the economic conditions of the country, which registered high rates of GDP growth throughout the period from 2001 to 2008 (Mikuš 2018, 67). Yet, the improvement in the economic performance led to «jobless growth» as the problem of a high level of unemployment remained (Mikuš 2018, 67). This caused widespread discontent among citizens, who were particularly critical of the disproportionate expenditures for the public administration (Mikuš 2018, 67). The popular dissatisfaction and open disapproval of the corrupted public sector grew with the 2008 financial crisis that hit hard the country and led to increasing calls for reforms of the sectors based on rationalisation, depoliticisation and «departicization» (Mikuš 2018, 70).

The fact that European membership became a key priority for Serbia's foreign policy demonstrates its willingness to distance itself from its cruel nationalist past (Fagan and Sircar 2015, 96). 2008 was a crucial year for Serbian politics, as it was early signed by the highly divisive issue of the unilateral declaration of Kosovo in February, which was considered by nationalist-oriented parties such as the DSS as an unacceptable threat to

the country's territorial integrity (Fagan and Sircar 2015, 94). Yet, 2008 was also a turning point for the Serbian path towards European integration. The incumbent President of the Republic Boris Tadić (DS), a stronger supporter of EU integration, won the presidential elections against its ultra-nationalist rival Tomislav Nikolić, who left the Radical Party in October of the same year and founded the Serbian Progressive Party (Srpska napredna stranka - SNS) (Fagan and Sircar 2015, 94). Tadić was also a leader in forming the coalition For a European Serbia (Za evropsku Srbiju - ZED) that ran for the parliamentary elections of the same year and was able to win more seats than any other list (Fagan and Sircar 2015, 95). ZED led a coalition government until 2012 and made European integration the centrepiece of its political agenda (Mikus 2018, 82). In 2012 Serbia held both parliamentary and presidential elections. Tadić lost the presidential runoff, and Nikolić became the new president (Fagan and Sircar 2015, 95).

Meanwhile, the SNS-led coalition obtained 24% of popular votes and 73 seats in the parliament, 55 of which were gained by SNS (Fagan and Sircar 2015, 95). As Nikolić was elected president, Aleksandar Vučić was designed as Deputy Prime Minister. Member of the far-right nationalist Serbian Radical Party since he was 23 years old, Vučić had been Minister of Information from 1998 to 2000 when Milošević was the President of former Yugoslavia. He left the radicals in 2008 to become deputy leader of the SNS. In 2014 the SNS pushed for early elections, which were held in March 2014. At the early elections, the SNS coalition was able to win the absolute majority in the National Assembly, and Vučić was confirmed as Prime Minister (PM).

As a former member of the Radical Party, Vučić had embraced strong nationalist and anti-EU positions. However, as he came to power, he abandoned former radical instances and presented himself as a young, pragmatic reformer favouring EU integration (Fruscione and Magri, 2020, 15). Thanks to this rebranding of his political attitude, he was able to gain approval by the EU (Fruscione and Magri 2020, 15), thus consolidating his position as the country's most powerful politician. Yet, alarming authoritarian traits have hidden behind Vučić's official pro-EU and reformist rhetoric. Since 2012, Serbia has experienced a gradual democratic backsliding, with the erosion of the rule of law and continuous attacks on media freedom (Fruscione 2020). «Increasing state capture, abuse of power, and strongman tactics» (Freedom House 2020, 2) by Vučić are the main reasons that explain the Serbian downturn from a democracy to a hybrid regime (Fruscione 2020).

The management of the Covid-19 pandemic and the elections held in Summer 2020 are other examples that demonstrate how the President is playing with Serbian democracy. The declaration of the state of emergency due to the corona crisis has allowed Vučić to strengthen the powers of his government while reducing those of the parliament and limiting media freedom (Fruscione and Magri 2020, 15). At the same time, the June parliamentary elections, in which Vučić's SNS party won more than 60% of the seats, were neither democratic nor regular (Vasovic 2020). Indeed, during the electoral campaign, Vučić and the government exploited the wide networks of clientelist relations to gain support for his ruling party (Fruscione 2020) while controlling national and local media to shape the political debate in his favour (Fruscione 2020). The Serbian case is the clearest example of what scholars have defined as «stabilitocracy» (BiEPAG 2017, 7; Fruscione and Magri 2020, 15): the EU continues to provide external legitimacy to the Serbian president because it considers him a «Warrantor of political stability» (Fruscione and Magri 2020, 14), disregarding his authoritarian practices and increasing attacks on democratic institutions. However, if the EU follows in the direction of favouring political stability over a genuine regime change, the only stabilisation that it will get is likely the consolidation of the same authoritarian ruling elite and the further erosion of democratic principles (Fruscione and Magri 2020, 16).

1.4.2 Serbia-EU relations since 2000

The 1990s in Serbia had been a decade characterised by political instability, diffused nationalism, armed conflicts and severe international sanctions. The legacy of those years made the reform process initiated by the new political elite after the fall of Milošević even more burdensome and have caused a slowdown in the process of European integration: suffice it to say that some of the political problems that arose at that time have yet to be resolved, e.g., the issue of Kosovo's independence (Bonomi and Uvalic 2019, 17).

During the 1990s, the EU engagement with Serbia and the other countries of the region merely consisted of military presence through NATO, humanitarian assistance and civilian monitoring missions (Bonomi and Uvalic 2019, 5). The Regional Approach launched right after the Dayton Peace Agreement (1995) to support economic recovery, democratisation and regional cooperation and included bilateral financial assistance to boost trade relations. Yet, due to Milošević's misbehaviour in some internal political

issues¹⁸, Serbia could not benefit from EU trade preferences until 1997. In 1999 the EU substituted its Regional Approach with the SAP. As mentioned in the previous section, the SAP aimed to induce political, economic and societal reforms in the WB by exporting institutions, values and standards (Bonomi and Uvalic 2019, 7). Serbia's inclusion in the process after the October Revolution in 2000 generated widespread enthusiasm among the new political elite, which hoped for a genuine regime change and the end of the country's international isolation (Bonomi and Uvalic 2019, 7). Since 2000, Serbia has benefitted from large amounts of EU assistance channelled through the SAP: from 2001-2006, it was the main beneficiary of the CARDS programme, and since 2006 it kept receiving substantial aid through the IPA (Bonomi and Uvalic 2019, 8). Alongside financial support, the EU also provided technical assistance to help Serbia adopt and implement the legal, economic and political reforms required by the accession criteria (Bonomi and Uvalic 2019, 8). Thanks to pro-market reforms, Serbia attracted large amounts of foreign direct investments (FDI), mostly from EU member states, to increase banking integration and foster trade liberalisation. Yet, these reforms had a double-side effect: while favouring Serbian economic recovery, they also made it more vulnerable to external shocks, a problem that became evident with the outburst of the great economic crisis in 2008 (Bonomi and Uvalic 2019, 9).

Although it was included in the SAP already in 2000, it was not until 2006 that Serbia could start the negotiation talks on the SAA. Two major issues hindered the initiation of such talks: on the one hand, Serbia's insufficient cooperation with the ICTY, and on the other hand, the question of Kosovo's independence (Fagan and Sircar 2015, 99).

The EU had made full cooperation with the ICTY an essential precondition for Serbia's integration and requested the extradition to The Hague of some former officials indicted for war crimes. The SAA was finally adopted in 2008, after two years of negotiations during which Serbia delivered most of the indicted war criminals, including Radovan Karadžić (Fagan 2015 and 100).

The signature of the SAA is a turning point in Serbia-EU relations for two main reasons: it favoured the electoral victory of the Pro-European Coalition in 2008, and it prepared

¹⁸ Milošević did not recognise the victory of opposition parties in local elections held in 1996 (Bonomi and Uvalic 2019, 5)

the way for the candidate status (2012) and the official opening of accession negotiations (2014). The SAA also contributed to boosting Serbian citizens' support for EU integration: while the population tended to see EU conditionality in a bad light, in November 2009, 73% of Serbian citizens' favoured of EU integration (Bonomi and Uvalic 2019, 11). This share is very high, especially if compared to the current low levels: according to the 2020 Balkan Barometer report on public opinion, people in favour of EU accession account for only 26%, while those against are the 24% of the respondents (Balkan Barometer 2020, 40). Interestingly, when asked when they expect Serbia to enter the EU, almost half of the respondents (46%) answered 'never', an increase of 13 points compared to the previous survey in 2018 (Balkan Barometer 2020, 41).

Together with full cooperation with the ICTY, Serbia's relationship with Kosovo was the other divisive issue that caused a slowdown in EU integration. The 2006 Serbian Constitutions still considers Kosovo an Autonomous Province belonging to the national territory (Republic of Serbia 2006, article 183). Serbia's non-recognition of the Kosovar unilateral declaration of independence in 2008 is now the major obstacle for EU membership. Yet, the EU does not have a united stand on the issue, as five member states¹⁹ have not recognised Kosovo's independence yet (Bonomi or Uvalic 2019, 12). The EU attempts at mediating a political dialogue between Belgrade and Pristina, which began in 2011, finally achieved a positive result in 2013, when the two countries signed the Brussels Agreement that stipulated the principles for the normalisation of their relationship (Bonomi and Uvalic 2019, 13). As a reward for Serbia, the EU Commission recommended the Council to open accession negotiations, and the first intergovernmental conference was held in January 2014.

Since the beginning of negotiations, Serbia has been subject to a strengthened conditionality. As a consequence of the lessons learnt from the 2004-2007 enlargement wave and the growing enlargement fatigue and scepticism in some member states (Bonomi and Uvalic 2019, 14), the EU enlargement strategy has given increased importance to 'fundamentals', such as the rule of law, judiciary independence and public administration reforms. Moreover, after the 2008 economic crisis, requirements for better

¹⁹ Cyprus, Greece, Romania, Slovakia and Spain.

economic governance in candidate countries were also strengthened (Bonomi e Uvalic 2019, 15).

In July 2020, before the Summit organised by France and Germany to relaunch the dialogue between Belgrade and Pristina, Vučić announced that Serbia would accept the new methodology adopted at the beginning of the year (Majstorović 2020). Table 1.2 shows the state of the art of Serbia accession negotiations related to the new cluster methodology.

Table 2. State of the art of Serbia's accession negotiations according to the new enlargement methodology. Source: European Commission 2020f.

Cluster	Chapters already opened	Remaining Chapters
1. Fundamentals	23 – Judiciary and fundamental rights 24 – Justice, Freedom and Security Economic criteria Functioning of democratic institutions Public administration reform 5 – Public procurement 18 – Statistics 32 – Financial control	/
2. Internal market	4 – Free movement of capital 6 – Company law 7 – Intellectual property law 9 – Financial services	1 – Free movement of goods 2 – Freedom of movement for workers 3 – Right of establishment and freedom to provide services 8 – Competition Policy 28 – Consumer and health protection
3. Competitiveness and inclusive growth	17 – Economic and monetary policy 20 – Enterprise and industrial policy 25 – Science and research (provisionally closed) 26 – Education and culture (provisionally closed) 29 – Custom union	10 – Information society and media 16 – Taxation 19 – Social policy and employment
4. Green agenda and sustainable connectivity	/	14 – Transport policy 15 – Energy 21 – Trans-European networks 27 – Environment and climate change
5. Resources, agriculture and cohesion	13 – Fisheries	11 – Agriculture and rural development

	22 – Regional policy and coordination of structural instruments 33 – Financial and budgetary provisions	12 – Food safety, veterinary and phytosanitary policy 22 – Regional policy and coordination of structural instruments
6. External relations	30 – External relations	31 – Foreign, security and defence policy

The Covid-19 pandemic has had two adverse effects on the Serbian paths towards EU integration. On the one hand, the management of the crisis by President Vučić has further reduced democratic space, as he took advantage of the declaration of the state of emergence to disqualify the parliament, centralise political powers in his hands and repress non-aligned media (Di Mino and Siragusa 2020, 10). On the other hand, Vučić's negative statements on European solidarity at the beginning of the pandemic have further damaged an already difficult relationship. Serbia is not only a frontrunner in EU accession among the Western Balkans counties, but it is also the largest economy and a key regional player. The fact that Serbian citizens have become increasingly sceptic about accession, coupled with President Vučić's orientation towards China and Russia, sends a worrisome message to the EU, which should seriously rethink its engagement in the country before the prospect of accession may fade away.

1.4.3 The concept of civil society in Serbia

Despite the commonplace that sees the SFRY as a «Tabula rasa» concerning civil society (Stubbs 2001, 91), since 1948 and the break with the Soviet Union, the idea of self-management allowed the Yugoslav civic sector to thrive (Mikuš 2018, 47). Civil society in former Yugoslavia took the forms of worker councils, self-managing communities and social organisations (Mikuš 2018, 47).

What Serbian people usually understand under the concept of civil society originates from the 1990s, when CSOs were associated with liberal and pro-Western NGOs, which were independent both from party politics and the economy (Mikuš 2018, 4). The understanding of civil society was evidently influenced by classical liberal concepts, according to which civil society was an essential feature of a modern democratic polity in which it could limit the power of the state, hold it accountable and ensure forms of democratic participation. The Western ideals of civil society considered CSOs the

«Vanguards of transition» from socialist and communist states to liberal democracy (Mikuš 2018, 4). The discourse on civil society was thus characterised by the dichotomy of state *vs* civil society: CSOs enjoyed an inherently positive connotation, as they were considered the space of freedom and civic engagement in opposition to the totalitarian designs of socialist and communist states (Mikuš 2018, 4).

During the 1990s, the civil sector in Serbia was referred to as the «Other Serbia» or the «European Serbia» made up of a cultural and intellectual elite with anti-war, anti-nationalist and pro-European ideals that opposed itself to the regime and criticised it for human rights abuses and violation of democratic rules (Mikuš 2018, 57). Members of the civil sector were usually middle-class citizens with high education levels, specialist skills and good knowledge of English (Mikuš 2018, 58). The role of civil society in opposition to the establishment was also reinforced by the development agendas of foreign donors, who saw in the civil sector an ally for democratic state-building and thus contributed to funding their anti-regime activities (Mikuš 2018, 58). Yet, the link with international donors was not seen in a good light by national media, which stigmatised NGOs as «foreign mercenaries» and «enemies of the Serbian nation» (Mikuš 2018, 57).

In 2000 NGOs alliance with the political opposition played a crucial role in the ousting of Milošević in the famous October Revolution. As I already mentioned, the new hegemonic project of the new governments pursued two major aims: economic neo-liberalisation and transnational integration (Mikuš 2018). In particular, transnational integration translated into a «return to Europe» (Mikuš 2018, 86). The project of European integration was strongly connected to the country's modernisation, and it was compared to an «engine for reforms» to lead the transition towards a democratic state (Mikuš 2018, 97).

The new political environment of post-Milošević Serbia influenced the civic sector to a great extent. From 2000 the sector boomed thanks to huge amounts of foreign aid: between 2000 and 2006, it is estimated that almost 8500 new NGOs were created in Serbia and Montenegro (Mikuš 2018, 72). The EU became the biggest donor to support civil society development in the country, as it considered the development of a strong civil sector as an essential element for Serbia's integration and a key to its democratisation (Mikuš 2018, 101). With this regard, the EU insisted on establishing institutionalised

mechanisms of cooperation between state authorities and CSOs, e.g., transparent public funding for NGOs based on clear criteria and competitive public tendering (Mikuš 2018, 143). The EU also supported the creation of the Office for Cooperation with Civil Society in 2011, which was meant to promote participatory processes through dialogue between the Serbian government and the civil sector. The Office would also allow for the transfer of some state functions to CSOs, ultimately easing the economic burden on an already weakened public administration (Mikuš 2018, 152)²⁰.

The EU support to CSOs was not immune to criticism. A large amount of financial aid coming from the EU made other international donors «leave the country», which caused a drop in available funds that was not filled by the EU (Mikuš 2018, 101). Moreover, the fact that CSOs were recruited on the basis of their project management skills led to growing inequalities between large and well-established NGOs, which became increasingly professionalised and donor-driven and smaller, grassroots organisations that were not able to access European funding (Mikuš 2018, 102).

Another effect of the new hegemonic project on civil society is known as «Boundary crossing» (Mikuš 2018, 73): to respond to the state's need for skilled personnel, many workers from the civic sector switched to politics or the public sector. Rather than on personal links, these workers relied only on their professional skills and provided expertise for integration-related reforms, including project and EU funding management (Mikuš 2018, 73). An example is Otpor! (Resistance!), one of the main anti-Milošević movements that became a political party in 2003. Following the failure in the parliamentary election of the same year, the party dissolved, and some of its members joined the Democratic Party led by Boris Tadić (Mikuš 2018, 73). Boundary crossing also worked in the opposite direction: as an alternative way of doing politics, many politicians started to sympathise for or to found their own NGOs, which are generally referred to as governmental non-governmental organisations (Mikuš 2018, 74).

This trend substantially changed the relationship between the state and civil society, which was traditionally characterised by opposition. After the regime change, state

²⁰ It is worth to recall that those were the years following the financial crisis of 2008 that hit the country hard. The delegation of some state functions to NGOs entailed an economic advantage inasmuch NGOs were contracted for projects and their services were less expensive than those of public administration staff (Mikuš 2018, 152).

institutions demonstrated to be more open to collaboration with CSOs, and their funding became more and more important for the civic sector, especially as other foreign donors started to leave the country (Mikuš 2018, 74). Yet, not everybody in the civic sector was satisfied with this new situation. Some CSOs particularly criticised the high degree of corruption among the state administration and the alarming level of continuity with the communist past. In addition, the growing importance of state funding hindered the CSOs' role as watchdog and limited their independence and autonomy (Mikuš 2018, 73).

Finally, it is important to point out that the democratisation process that began after the end of Milošević's rule not only favoured the expansion of liberal CSOs but also opened a political space for the proliferation of the «dark side of civil society» (Kostovicova 2006), i.e., illiberal civil groups marked by intolerant, exclusionary and sometimes violent traits (Kostovicova 2006, 25). Thus, the new civil society landscape became a «battlefield» (Kostovicova 2006) where liberal, progressive, and pro-EU civil society had to confront its illiberal and nationalist counterpart, which opposed Serbia's transformation into a liberal democracy. The illiberal civil society represented the other side of the coin indeed and proposed a counter-hegemonic project based on ethnonationalism and traditionalist ideals (Mikuš 2018, 112). These illiberal organisations adopted a typically populist narrative and opposed the process of European integration, which they thought to be an assault on Serbian sovereignty and national identity (Mikuš 2018, 126). They considered the government and the political elite to be anti-Serbs «puppets» in foreigners' hands, and they denounced the situation as foreign «occupation» or «colonisation» (Mikuš 2018, 116). Although they tried to imitate the practices adopted by liberal civil society – e.g., communication strategies – their work was much more openly political. Due to their extremist ideas and to the fact that they did not implement projects, they did not receive foreign financial aid, but could only count on donations from sympathizers and activists (Mikuš 2018, 112). The counter-hegemonic project proposed by the illiberal civil society was an amalgam of ethnonationalism and religion, which celebrated the role of the Serbian Orthodox Church and its traditional, patriarchal values (Mikuš 2018, 127). Interestingly, members of these associations resemble those of liberal CSOs: young, highly educated people mostly coming from the urban middle class, university students and professors, entrepreneurs (Mikuš 2018, 128). As for liberal civil society, boundary-crossing was evident also for illiberal CSOs. An

example of that is Dveri, which was created in 1999 as a right-wing youth organisation that became a political party in 2010. This shift from a conservative association to an established political party highlighted a basic contradiction and undermined its credibility: although Dveri had strongly criticised them, by turning into a party, it demonstrated that it was ultimately following the rule dictated by the liberalising elites (Mikuš 2018, 133).

While liberal elements of the new political elite supported liberal civil society, illiberal elements trying to revive Milosevic's nationalist legacy tended to reinforce illiberal organisations (Kostovicova 2006, 22), which in turn posed a serious threat to liberal civil society's ability to act as a catalyst for democratisation and European integration. As Kostovicova (2006) argues, liberal civil society had to face a double challenge: it not only had to fight illiberal components within the new political elite, but it also had to deal with ethno-nationalist stances championed by rival civic groups (Kostovicova 2006, 30). The rise of the «dark side of civil society» – which, as I have briefly mentioned, is also occurring in many EU member states – demonstrates that civil society is not necessarily nor exclusively a space for democratic positions. On the contrary it can also encompass conservative, exclusionary and illiberal groups that may undermine the role and strength of their liberal counterparts (Kostovicova 2006, 22). For this reason, the interaction between these two sides of the coin should be carefully taken into consideration when discussing the role and transformation of the civil sector.

1.4.3.1 Normative framework for public participation

One of the purposes of the EU approach to support civil society in enlargement countries is to push for the creation of an «appropriate legal, judicial and administrative environment for exercising the freedoms of expression, assembly and association» (European Commission 2013).

In Serbia, the non-governmental sector is regulated by the Law on Associations and the Law on Endowments and Foundations, whose provisions largely comply with international standards and best practices (Council of Europe 2017, 5)²¹.

²¹ International standards and best practices for civil society regulation are entailed in documents such as: the European Convention on Human Rights of the Council of Europe; the Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe; the OSCE/ODIHR -Venice Commission Guidelines on Freedom of Association;

The legal framework for public participation is provided by the Law on State Administration and the Government's Rules of Procedure. According to the latter, public consultations must be organised on draft laws for which the public may have «particular interest» (Government's Rule of Procedure, article 41). In addition, the amendments to the Government's Rules of Procedure passed in 2013 make public hearings mandatory in four cases: for the adoption of a) system law, b) new law, c) law on amendments to the law, and d) law on ratification on an international treaty (Marović 2019, 10).

During the last two years, the legal framework has been strengthened through the Law on Planning System, Law on amendments on public administration and the Law on amendments to the Law of local self-government (Government of the Republic of Serbia 2017, 4). According to the Law on Planning System, public policies should be adopted through a consultative process with all stakeholders, including civil society associations, since the early stage of development and preparation of planning documents, impact analysis or evaluation documents (Government of the Republic of Serbia 2018, article 3.11). The law also recognises the right of civil society organizations to «Amend, prepare and adopt public policy documents and submit them to the authorised proposer» (Government of the Republic of Serbia 2018, article 30). Moreover, the Law on amendments to the Law of local self-government provides for mandatory public debates for the adoption of the most important by-laws passed by local self-governments (Government of the Republic of Serbia 2017, 4).

In 2011, after years of advocacy from the civil sectors and pressure from the EU, the Serbian government created the Office for Cooperation with Civil Society to institutionalise the cooperation and dialogue between institutions and civil society. The Office has also been in charge of monitoring public funding for the civil sector at the state, provincial and local level. With this regards, in its Draft National Strategy for the Development of an Enabling Environment for Civil Society 2016-2020, the Office warned about the lack of transparency of funding mechanisms, especially at the local

the Recommendation Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life; the Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe on 27 September 2017; the Code of Good Practice for Civil Participation in the Decision-Making Process (2009) and the International Covenant on Civil and Political Rights of the United Nations.

level, where party affiliation strongly influenced funding allocation (Council of Europe 2017, 8). In 2014, the Office drafted the «*Guidelines for inclusion of civil society in the regulation adoption process*». The Guidelines were later adopted by the Serbian government, which formally recognised the importance of civil society in the public administration reform process initiated by Serbia and supported by the EU. Based on the best practices and standards of the Council of Europe, the guidelines outline the guiding principle for civil society participation in preparing, adopting and monitoring legislation. They include a) active participation of CSOs in all phases of the legislative process; b) mutual trust and continuous dialogue between public authorities and CSOs representatives; c) transparency and accountability on both parts; d) efficiency and cost-effectiveness; e) timely provision of complete information to the civil sector; f) special provisions to enable disabled people's participation (Government of the Republic of Serbia, Office for Cooperation with Civil Society 2014). The guidelines also recommend public authorities provide feedback on organised public debates and appoint skilled personnel in administrative bodies with specific competencies and knowledge (Government of the Republic of Serbia, Office for Cooperation with Civil Society 2014).

To strengthen the process of public administration reform, in 2013, Serbian joined the Open Government Partnership, which is an international initiative aimed at promoting transparency, efficiency and accountability of the public administration and at strengthening the cooperation with civil society (Government of the Republic of Serbia 2017, 1). The responsible authority for implementing the Partnership in Serbia is the Ministry of Public Administration and Local Self-Government. Since 2013, Serbia has adopted three Action Plans to implement the Partnership; the latest one covers the years 2018-2020. Over time, the implementation of such Action Plans has improved the level of cooperation between governmental bodies and civil society (Government of the Republic of Serbia 2017, 1). According to the Action Plan 2018-2020, public participation would be promoted through the organisation of training sessions for public administration employees and representatives from CSOs (Government of the Republic of Serbia 2017, 57). This training should give the actors involved the opportunity to meet, exchange knowledge and expertise and thus increase the level of mutual understanding and trust (Government of the Republic of Serbia 2017, 57). Finally, the document also

recommends increased participation in parliamentary committees of the Serbian National Assembly (Government of the Republic of Serbia 2017, 62).

Regarding the process of European integration, in the 2004 Resolution on the Accession to the European Union, the Serbian National Assembly invited CSOs to take part in and promote the integration process (National Assembly of the Republic of Serbia, 2004, 3). In the Serbian model of civil society involvement, state-civil society relationships in the context of EU accession are organised along three separate mechanisms: The Sector Civil Society Organisation (SECO), PrEUgovor and the National Convention on the European Union (NCEU). SECO is a body within the Serbian Office for European Integration, and it works to guarantee CSOs input in programming and implementing aid programme, while PrEUgovor is a monitoring coalition which focuses on negotiations on Chapter 23 and 24 of the *acquis*.

The National Convention on the European Union is the most institutionalised form of cooperation between the state and civil society. It is a «permanent body for thematically structured debate on Serbian accession to the European Union, between representatives of the governmental bodies and political parties, NGOs, experts, syndicates, the private sector and representative of professional organisations» (European Movement of Serbia, 2020). The NCEU was established in 2006, and it can be defined as an umbrella body that gathers more than 300 organizations. It has the right to issue recommendations about Serbia's negotiating position based on an open and transparent dialogue with the governmental counterparts. Moreover, the NCEU monitors and reports on the correct implementations of the reforms needed to meet the EU accession criteria and it plays an essential communicative role in which it informs the public about the complex dynamics of the accession process in the attempt to bring EU integration closer to common citizens. CSOs are selected on the basis of their expertise and experience regarding specific sectors of EU accession negotiations and are organised in several working groups. Each working group deals with one negotiating chapter of the *acquis*, but there are also cross-sectoral working groups that monitor progress in the Economic Reform Programme (ERP), political criteria, media freedom, the Berlin Process and sustainable development. The working group on chapter 27, "Environment and Climate Change", is coordinated by the Centre for Ecology and Sustainable Development (CEKOR) and includes more than 30 CSOs and individual working in environmental protection. Most of the CSOs are based

in Belgrade, but there are also organisations working in other regions of the countries, such as the Association of Environmental Engineers from Novi Sad, in the Autonomous Province of Vojvodina or the Center for Civil Society Development PROTECTA in Nis, in the Southern part of Serbia. Each year the working group 27 publishes a Book of Recommendation with which it provides proposals on measures that need to be taken to accelerate the process of integration in the field on the environment. The latest one was published in 2020, and it regards the year 2019 (European Movement of Serbia, 2020).

Overall, it is safe to say that the EU support of civil society in Serbia has contributed to improving the legal and institutional framework for civil society participation (Marović 2019, 6). Yet, significant shortcomings remain, e.g., limited space and time for public discussions on draft laws and lack of feedbacks on proposals from CSOs (Marović 2019, 6). Such shortcomings impede genuine *substantive* empowerment of the sector and demonstrate that the improvement of the legal and institutional framework alone is not sufficient to guarantee a conducive environment for civil society if there is no actual change in governmental actors' practices. Regarding governmental actions, the decision of the Serbian government to abolish the Office for cooperation with civil society in November 2020 is emblematic. The decision has created widespread discontent among the civic sector (Balkan Civil Society Development Network 2020) and is another example of the authoritarian traits of the government, which not only poses serious threats to democratic institutions but also deteriorates the enabling environment for civic participation.

The European Commission Progress Report 2020 for Serbia warns that «Further efforts are needed to ensure systematic cooperation between the government and civil society» (European Commission 2020f, 12). It highlights that governmental institutions are not open to criticism and that CSOs, especially those working in human rights protection, are under constant pressure (European Commission 2020f, 13). The Commission welcomes the adoption of the Guidelines on the inclusion of CSOs in working groups for drafting regulations and public policies by the Government in January 2020, but it stressed that a number of CSOs lamented the fact that often the time given for public consultations is too short, and that comments or recommendations on draft laws are not sufficiently considered nor given a follow-up (European Commission 2020f, 13). Moreover, it calls

for an improvement of the criteria for public financial support to guarantee transparency and fairness, especially at the local level (European Commission 2020f, 13).

Chapter Two

The EU environmental policy and the role of NGOs in nature protection

As I have explained in the previous chapter, to access the EU, candidate countries must adopt the entire *European acquis communautaire*, which includes the huge number of legislative acts in the field of environmental protection. In this chapter, I will first provide an overview of the EU environmental policy, with a specific focus on nature and biodiversity protection. Then, I will discuss the role of CSOs, in particular ENGOs, in environmental governance, and I will present the lessons learnt from CEECs on the involvement of ENGOs in the implementation of the EU Birds and Habitat Directives and the NATURA 2000 ecological network.

2.1 The EU environmental policy

Today environmental protection is a core element of EU politics – both in its internal and external dimension - and a defying element of European identity. The EU shares the competence over environmental protection with member states (article 4 TFEU), which can «legislate and adopt legally binding acts to the extent that the Union has not exercised its competence or has decided to cease exercising its competence» (article 2.2 TFEU). As the environment does not fall within its exclusive competencies, the Union's scope of action is limited by the principle of subsidiarity, which states that «the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the member states, either at central level or at the regional and local level» (article 5.3 TEU). As environmental issues such as climate change or biodiversity loss have a transnational and cross-boundary nature, actions at the member state level risk being insufficient or ineffective, hence the need for a common environmental policy at the EU level (Wurzel 2008, 271).

Environmental protection has not always been a core objective of the integration process. Before analysing the current approach to environmental protection outlined in the European Green Deal (EGD), I will provide a brief overview of the development of the European environmental policy underlying the main turning points that marked the shift from a side objective to a core element of the European project.

2.1.1 From a side objective to the core of European politics

Environmental protection was not a core objective of the European integration process when it started in the 1950s: The Treaty of Rome (1957) did not provide a legal basis for environmental protection; hence the European Community did not have competence in environmental policy. In the initial phase of European integration, the Community was focused on political reconciliation and economic recovery, and the approach to environmental protection was «incidental, responsive and unarticulated» (Orlando 2013, 3). Wurzel (2008) defines this period as the «*incidental phase*» of European environmental policy: in the 1950s and 1960s, the Community adopted very few environmental policy measures that were primarily concerned with the prevention of trade barriers (Wurzel 2008, 260). An example of an environmental measure adopted during these years is the 1967 Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances: the directive aimed to facilitate free trade of dangerous substances within the internal market rather than to try to limit the potential negative effects of dangerous substances on the environment (Wurzel 2008, 260). During this phase, environment protection measures were taken on the basis of Article 235 of the Treaty of Rome, which established that even in the absence of a specific legal basis, the Council could unanimously adopt legal acts that were necessary to attain one of the objectives set out in the Treaty: as the «harmonious development of economic activities» was one of the core objectives of the EEC, the approximation of national environmental law in some matters regarding the environment was necessary to avoid that different national environmental standards would disrupt free trade and market integration. Article 100 of the Treaty of Rome was another legal basis used to adopt environmental legislation: according to it, the Council could unanimously adopt directives in the field of the environment to allow the approximation of national laws which could affect the establishment and the well-functioning of the common market. Article 235 and 100 of the Treaty of Rome have been used as the legal bases to justify the adoption of environmental measures until 1986 when the Single European Act (SEA) finally provided an explicit legal basis for environmental policy (Wurzel 2008, 261).

In the early 1970s, increasing public concerns on the state of the environment and international initiatives such as the first UN Conference on the Environment held in Stockholm in 1972 acted as a catalyst for a bigger role of the EU in the environmental

sector (Orlando 2013, 3). The 1970s thus marked the beginning of a new phase in environmental policy, defined as the «*adolescent phase*» (Wurzel 2008). Following the Stockholm Declaration in 1972, the European Council recognised that economic expansion was not an end in itself, but it should help to improve the quality and standard of life of all European citizens; to this aim, the European Council committed itself to the protection of non-material values and the environment (Wurzel 2008, 260). The Council also asked the European Commission to draft the first Environmental Action Programme (EAP) adopted in 1973. The EAP outlined broad principles and objectives for the European medium-term environmental policy, and it represented a major turning point for the development of European environmental policy, as it firmly put environmental matters on the EU agenda (Orlando 2013, 3).

The coming into force of the SEA in 1987 marked the beginning of the «*mature phase*» of environmental policy (Wurzel 2008). The SEA (1986) officially included a specific title for the environment in which member states committed to preserving the quality of the environment, the protection of human health and the rational use of natural resources (European Parliament, 2020). The SEA also introduced two key principles that still regulate environmental policy, i.e., the preventive action and the “polluter pays” principles²². Other novelties contributed to the consolidation of environmental policies, e.g., the introduction of the co-decision procedure, which increased the power of the European Parliament – always considered the “greenest” of all European Institutions - and the extension of qualified majority voting (QMV) for internal market provisions that might have an impact on the environment (Wurzel 2008, 264). The introduction of a specific title for environmental protection in the SEA was a milestone in the European integration process, as it created stronger links between the social, economic and environmental dimensions of the completion of the single market (Orlando 2013, 5). The fourth EAP recognised environmental regulation as a pillar for lasting economic and social progress (Orlando 2013, 5).

In the 1980s, the output of the legislative measures in the field of environment substantially increased: over 200 legal acts were adopted by 1987 (Orlando 2013, 6). The most common legal measure used in EU environmental policies was – and still is – the

²² Further details on these two core principles will be discussed in the second paragraph of this chapter.

directive. Contrary to regulations that are directly applicable in member states, directives must be transposed into national legislation before they can be applicable; member states thus enjoy a certain degree of flexibility in the transposition of European directives, which could, in theory, minimise the risk of implementation failure (Wurzel 2008, 270). Yet, from the late 1980s, the European Parliament and the Commission became increasingly concerned about the poor implementation of environmental norms by member states. During these years, the European Commission started infringements proceeding against almost every member state, which in many cases ended up before the European Court of Justice (ECJ) (Wurzel 2008, 264). In most cases, the ECJ ruled in favour of the Commission, thus contributing to the development of environmental governance with its pro-integrationist judgements (Wurzel 2008, 264). Many infringement procedures regarded the failure of transposition of the 1979 Birds Directive and the 1992 Habitat Directive, which constitute the core of the European biodiversity protection policy on which this research is focused.

In these years, the European Community adopted innovative measures such as the introduction of the Environmental Impact Assessments (EIAs) to guarantee the efficiency of environmental policies. EIAs are still an important element of environmental policy: they are required for private or public projects that may significantly impact the environment, e.g., the construction of a motor way or other infrastructures. At the same time, Strategic Environmental Assessment (SEAs) is required for plans and programmes concerning, for example, land use, transport, energy, waste or agriculture (European Parliament 2020). In addition, the European Community established new institutions such as the European Environmental Agency (EEA, 1990) to provide support for the development, implementation and evaluation of environmental policies and to provide sound and independent information regarding environmental matters to the general public. Since 1994, the EEA has been responsible for coordinating and managing the European Environment Information and Observation Network (Eionet).

The 1990s marked another turning point for the consolidation of European environmental policy. In 1992 the Treaty of Maastricht finally introduced environmental protection among the objectives of the EU (Article 2 Treaty of Maastricht) and institutionalised the principles of integration of environmental concerns in other relevant policy areas (article

130r Treaty of Maastricht). With this regard, in 1998 the European Council launched the Cardiff Process to integrate environmental considerations into the activities of different Council formations, thus contributing to raising the political profile of environmental integration. The policy framework for the environment was then completed in 1999 with the Treaty of Amsterdam, which introduced a clear reference to sustainable development (article 1.2 Treaty of Amsterdam) and extended the co-decision procedure between Council and Parliament to the environmental sector (Orlando 2013, 6).

At the beginning of the new millennium, environmental policy was faced with the challenge of the «big bang enlargement» to CEECs (Orlando 2013, 8). At that time, there were serious concerns that the poor level of the economic performance of CEECs would negatively impact the level of environmental standard-setting in the EU (Orlando 2013, 8). Yet, enlargement was also considered a big opportunity to raise the level of environmental protection in the candidate countries, which in turn would have positive effects in Europe as well. For this reason, the EU provided acceding countries with technical and financial support to alleviate the pressure put on weak state administrations which lacked essential expertise and resources (Benson and Jordan 2009, 370).

Climate change was another issue that came to the forefront in the early 2000s: the sixth EAP adopted in 2002 defined climate change as the «outstanding challenge of the next ten years and beyond» (European Union 2002). Since then, climate change has been at the core of EU environmental policy: in 2009, the Lisbon Treaty introduced a clear reference to climate change, and in 2010 the European Commission created a specific DG (DG CLIMA). The fight against climate change is the best example to show why environmental integration is so important: the challenges posed by global warming cannot be tackled in isolation but rather requires a cross-cutting approach that spans across various sectors, including energy, transport and industrial policy (Orlando 2013, 14).

To conclude this brief overview, I would like to point out a final remark on the development of EU environmental policy. Since the beginning of the 1990s, the EU has gradually developed a more inclusive approach to environmental policy, shifting its focus from *output legitimacy*, i.e., the legitimacy derived from the delivery of environmental policy goals – to greater *input legitimacy* based on wider participation of stakeholders and the public in decision-making (Wurzel 2008, 269). For example, in 1993, the fifth EAP

recognised the importance of participation and dialogue between public authorities and various actors and stakeholders at different levels of governance (Orlando 2013, 9). This approach was reinforced by the 2001 European Commission White Paper on Good Governance which stressed the importance of better involvement of civil society in all EU policy areas, including the environment (Orlando 2013, 9). Since then, public participation and consultation have become a central aspect of environmental policy: in 2005, the EU and all its member states became parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. As I will discuss in the second section of this chapter, stakeholders participation can contribute to achieving better environmental policy by enhancing the legitimacy of the decision-making process and providing different competencies and expertise needed to address complex and multi-sectoral environmental challenges.

2.1.2 Current framework of EU environmental policy

The Lisbon Treaty provides the current legal framework for environmental policy. According to Article 11 and 191 TFEU, «environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities» (Article 11 TFEU), and they «shall contribute to achieve the following objectives: a) preserving, protecting and improving the quality of the environment; b) protecting human health; c) prudent and rational utilisation of natural resources; d) promoting measures at international level to deal with regional or worldwide environmental problems, in particular combating climate change» (article 191.1 TFEU).

Environmental policy is based on three fundamental principles, i.e., the precautionary, the preventive, and the “polluter pays principle” (article 191.2 TFEU). The precautionary principle is a risk management tool according to which a policy, plan or project must be suspended if there is «scientific uncertainty about a suspected risk to human health or the environment» (European Parliament, 2020). This principle must be non-discriminatory and proportional and should be subject to continuous review as new scientific data are available (European Parliament 2020). The preventive principle states that eventual environmental damage must be rectified at the source, while the polluter pays principles

makes the party responsible for pollution pay for the damage caused to the environment²³. The framework is finally concluded by the principle of environmental integration introduced by the Maastricht Treaty, according to which environmental considerations should be taken into account in all other EU policy areas.

The Lisbon Treaty also emphasises the role of the EU in promoting sustainable development at the global level, especially in its relationship with third countries (article 3 and article 21 TEU). Environmental concerns are an integral part of the EU external relations: the EU has become a global leader in the fight against climate change, promoting sustainable development and the transition towards sustainable and inclusive economic models and green energy. The EU is strongly committed to multilateralism and has played a leading role in the adoption of key Multilateral Environmental Agreements (MEAs) such as the Convention on Biological Diversity (1992), the Kyoto Protocol on Climate Change (1997), the Cartagena Protocol on Biosafety (2000) and more recently the Paris Agreement on Climate Change and the UN 2030 Agenda on Sustainable Development (2015).

At the bilateral level, the EU promotes sustainable development and environmental protection among its partner countries through agreements concluded in the European Neighbourhood Policy (ENP) framework and the Development and Cooperation Policy (Orlando 2013, 10). Today, the new generation of Free Trade Agreements (FTAs) includes a specific chapter on Trade and Sustainable Development (TSD), which aims at exploiting the potential of increased trade to improve domestic work conditions and environmental protection standards in partner countries. The environment is thus a policy area in which the EU exercises its normative power vis-à-vis third countries: thanks to the promise of a privileged relationship and increased access to the European internal market; the EU can export its environmental protection model by putting pressure on partners countries to adopt its high environmental standards (Orlando 2013, 10).

Its implementation by member states ultimately determines the effectiveness of EU environmental law. As I have already mentioned, since the 1980s, the European Commission has put a growing emphasis on the problem of member states' non-

²³ Since 2004 the enforcement of the polluter pays principles has been reinforced thanks to the adoption of the Environmental Liability Directive.

compliance with environmental provisions and the increasing disparity on the level of implementation across member states. In 2001, the Council and the European Parliament issued a non-binding recommendation to address this challenge providing for minimum criteria for environmental inspections in member states. To assure the proper enforcement of environmental rules, the Council and the Parliament recommended member states to introduce «effective, proportionate and dissuasive criminal sanctions» for environmental crimes, such as the illegal emission or discharge of substances or the illegal shipment or dumping of waste (European Parliament 2020). Moreover, the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), a non-profit organisation founded in 1992, provides a platform for environmental authorities of member states and candidate countries and environmental inspectors and enforcement officers to exchange experiences and best practices on environmental law implementation²⁴. Finally, in 2016 the European Commission launched the Environmental Implementation Review (EIR), including a Regulatory Fitness and Performance Programme (REFIT) to address implementation gaps, improve monitoring and reporting activities and find solutions to non-compliance cases before formally starting an infringement procedure. The European Commission has so far adopted two EIR packages in 2017 and 2019, which include single country reports and priority actions for each member state and a communication on common challenges to be addressed at the EU level.

2.1.2.1 The European Green Deal

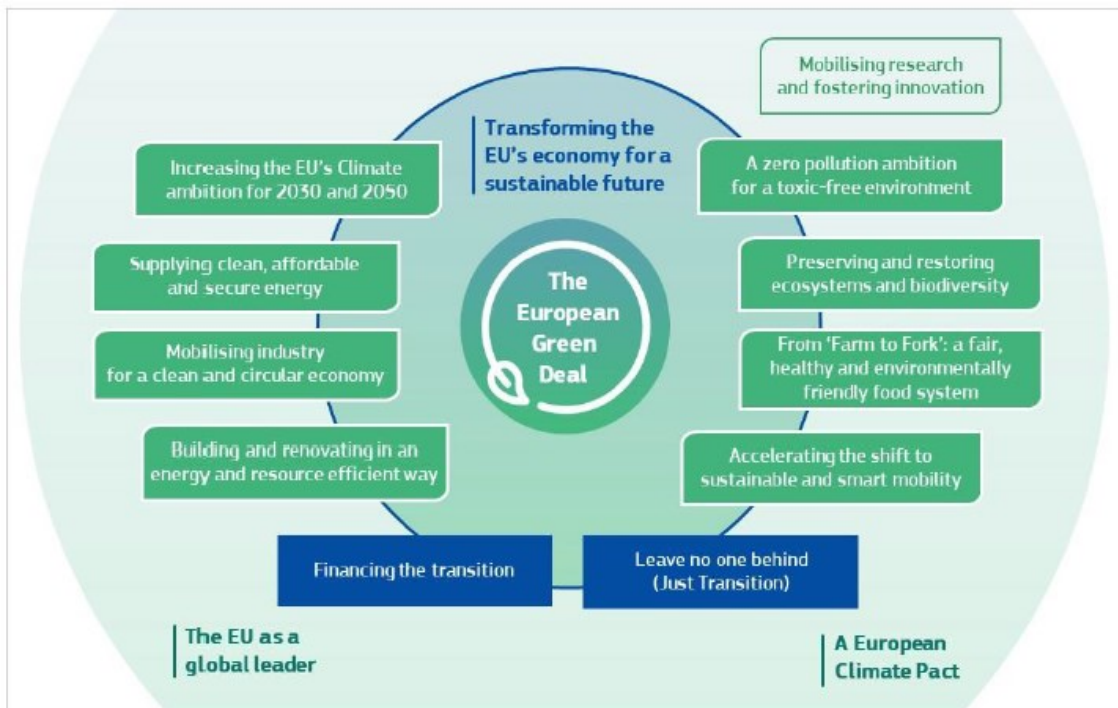
The European Commission has always been a leading actor in the development of the EU environmental policy. With much surprise – and concern – environmental protection was not a priority for the European Commission led by Jean Claude Juncker (2014-2019), which was much more focused on the post-austerity agenda based on the stabilisation of national economies and the creation of jobs, growth and investment (Čavoški 2015, 501). As a response to growing public pressure – which often took the form of public protests and strikes – and in sharp contrast with her predecessor, in 2019, Ursula von der Leyen made the EGD the hallmark of her new Commission (2019-2024) and an integral part of

²⁴ Today IMPEL gather 36 countries including all EU Member States, North Macedonia, Serbia, Turkey, Iceland, Kosovo, Albania, Switzerland and Norway.

the Commission's strategy to implement the UN 2030 Agenda on Sustainable development (European Commission 2019, 3).

The goal of the EGD is to make Europe the first climate-neutral country by 2030. As a first step to reach the ambitious goal, in March 2020, the Commission presented the European Climate law, which made zero net greenhouse gas emission by 2050 a legally binding target for all member states.

Figure 3 Elements of the European Green Deal. Source: European Commission 2019.



On a broader perspective, the EGD aims at transforming the EU into a resource-efficient and competitive economy in which economic growth is decoupled from resource use (European Commission 2019, 2) and is achieved by encouraging businesses and industries to build a clean and circular economy (Čavoški 2020, 1113). To do this, the Directorate General for Climate Change (DG CLIMA) and the Directorate General for Environment (DG ENV) have to work in close cooperation with several other DGs, e.g., the DG for Agriculture and Rural Development (DG AGRI), the DG for Health and Food Safety (DG SANTE), the DG for Ocean and Fisheries (DG MARE), the DG for Energy (DG ENER), the DG for Mobility and Transport (DG MOVE), and the DG for Cohesion

and Reforms (DG REFORM). The EGD recognises that active public participation is «paramount» for successful action, and it calls for stronger cooperation between citizens, national, regional, and local authorities, and civil society (European Commission 2019, 2). The Commission is committed to information sharing across different stakeholders to facilitate grass roots initiatives on climate change and environmental protection (European Commission 2019, 22).

The EGD also has an external dimension: through a «green deal diplomatic action», the European Commission seeks to promote «ambitious environment, climate change and energy policies across the world» (European Commission 2019, 20). As the challenges of climate change and biodiversity loss do not know national borders, the Commission has committed itself to support its neighbours and partners by providing expertise and financial support (European Commission 2019, 2). In this regard, the European Commission has proposed a Green Agenda for the Western Balkans, which I will analyse in the third chapter of this thesis.

As the Covid-19 pandemic severely hit the EU and the entire world in March 2020 serious concerns that environmental protection would be set aside to favour economic recovery arose (Čavoški 2020, 1116). Yet, the European Commission has firmly stuck to its original mandate and has made the post-pandemic economic recovery dependent on the green transition. The Recovery Plan adopted by the European Commission and the European Parliament in agreement with EU leaders is an unprecedented stimulus package aimed at repairing the economic and social damage caused by the pandemic and at making Europe a greener, more digital and more resilient continent (European Commission 2020h, 1). Around 30% of EU funds are allocated to the management of natural resources and environment protection, including the fight against climate change and biodiversity loss: €356.4 billion from the MFF 2021-2027 and €17.5 billion the Next Generation EU Programme (European Commission 2020h, 3). To “unlock” their allocated share of the Recovery Plan, member states have to prepare national recovery plans. An essential prerequisite for the approval of the national plans by the European Commission and the Council is that at least 37% of the funds are used to finance sustainable activities directed to climate action, biodiversity protection and the green transition in general. The European Parliament has defined the huge resources made available through the European Recovery Fund as a «once-in-a-lifetime-opportunity» to move towards a

circular and climate-neutral economy (European Parliament 2020, 1) and has urged member state to prioritise investments in green infrastructure, innovation and green finance (European Parliament 2020, 8).

Since the 1970s, the EAPs represent the general framework for the EU environmental policy. In October 2020, the European Commission proposed the 8th EAP, which will guide environmental policy until 2030. The proposal builds on the general objectives of the European Green Deal and identifies six priority objectives: 1) achieve the 2030 greenhouse gas emission reduction target; 2) enhance adaptive capacity and reduce vulnerability to climate change; 3) decouple economic growth from resource use and environmental degradation, and accelerate the transition to a circular economy; 4) pursue a zero-pollution ambition to protect the health and well-being of Europeans; 5) protect, preserve and restore biodiversity, and enhance natural capital; and 6) reduce environmental and climate pressures related to production and consumption in areas such as energy, industrial development, buildings and infrastructure, mobility and the food system (European Commission October 2020, 10-11). It also reiterates that enhanced cooperation with partner countries, good global environmental governance and synergies between internal and external Union policies are key to reach the Union's environmental and climate objectives (European Commission October 2020, 9).

2.2 Nature and biodiversity protection policy

Nature and biodiversity protection is one of the main pillars of EU environmental policy. Biodiversity loss is one of the main challenges that the EU will have to face in the coming decades, and it is intrinsically linked to climate change: on one side, ecosystem degradation and unsustainable use of natural resources are a key driver of climate change, while on the other side global warming accelerates the destruction of nature causing increasingly extreme natural events such as droughts, flooding, and wildfires (European Commission 2020b, 2). Given this interlink, climate change and biodiversity loss should be tackled with cross-cutting measures and comprehensive policies. Indeed, both the EGD and the 8th EAP share the ambitious objective to prevent and restore ecosystems and Europe's natural capital (European Commission 2019, 13).

The Birds and Habitats Directives - known as the *Nature Directives* - represent the cornerstone of Europe's legislation on nature conservation and the legal bases for the ecological network NATURA 2000 (European Commission 2015, 11). Their major objective is to protect, maintain and restore endangered animal and plant species and habitat types to a favourable conservation status (European Commission 2015, 13).

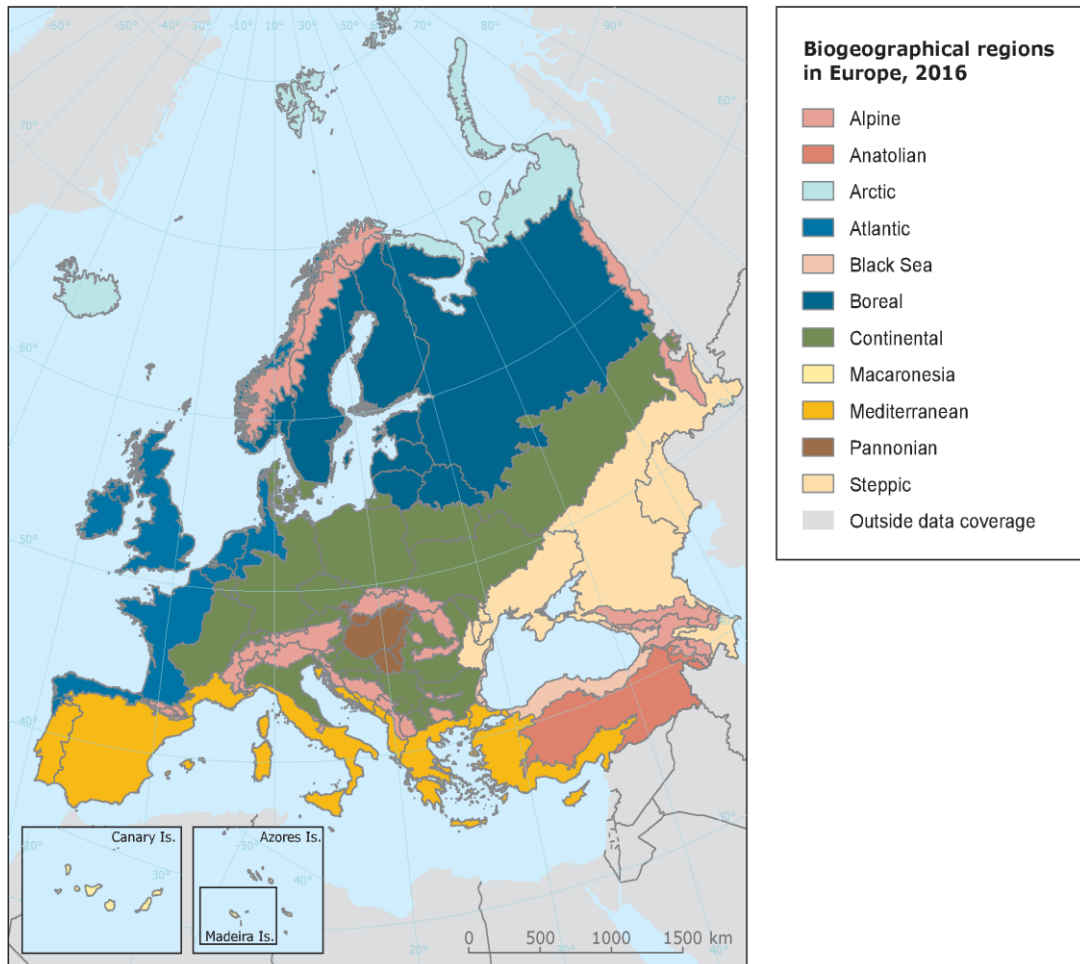
The Birds Directive – adopted in 1979 and amended in 2009 – was the first legislative act adopted by the then European Community in the environmental sector. It provides comprehensive protection to more than 500 wild bird species naturally occurring in the Union. Annex I of the directive lists the most threatened wild bird species and subspecies for the protection of which member states must designate Special Protection Areas (SPAs). Annex II, III and IV deal with other issues, including the regulation of hunting activities, the ban of every harmful activity such as illegal killing, capture or trade and the promotion of scientific research. In the implementation of the Birds Directive, the European Commission is supported by a specific Committee – The ORNIS Committee – which is composed of one representative of the national authority competent for nature protection of each member state and one expert from the EEA.

The Habitat Directive was adopted in 1992 to conserve wild fauna and flora and promote the maintenance of biodiversity. Today, it protects more than 1000 animal and plant species and over 200 types of habitats. Under this directive, member states have to designate Sites of Community Importance (SCIs) and implement a strict protection regime for the most threatened habitat types. To this aim, the Directives identifies nine biogeographical regions, each with its own characteristics in terms of vegetation, climate, topography and geology (figure 4). Similar to the ORNIS Committee, the Commission has established a competent body – the HABIT Committee – with representatives from member states and the EEA.

Over the years, the Nature Directives have been modified to reflect successive EU enlargement waves and to include new species and habitats. The greatest modification occurred in 2004 when ten countries from Central and Eastern Europe have joined the Union. On that occasion, the Pannonian region was introduced among the European biogeographical regions. In 2007, when Bulgaria and Romania became member state, the

two directives were modified once again to include new species and two other biogeographical regions, i.e., the Black Sea and the Steppic regions.

Figure 4. European Biogeographical Regions.
Source: European Environmental Agency



2.2.1 The ecological network NATURA 2000

At the core of both Nature Directives, there is the creation of NATURA 2000, i.e., an ecological network of nature conservation areas that spans across all member states (European Commission 2015, 19). With a coverage of over 18% of European land and more than 8% of European marine territory, NATURA 2000 is the largest coordinated network of protected areas in the world (European Commission 2015, 19). The aim of NATURA 2000 is to ensure the long-term survival of Europe's most valuable and threatened species identified by the Birds and Habitat Directives. In the beginning,

NATURA 2000 was established to fulfil the EU's obligations under the Bern Convention on the Conservation of European Wildlife and Natural Habitats of the Council of Europe to which the EU is a party. NATURA 2000 can indeed be considered the EU contribution to the Pan-European Emerald Network of protected areas established under the Bern Convention.

Within the areas covered by NATURA 2000, member states must avoid any activity that could «significantly disturb the protected species, deteriorate their habitats or damage habitats types» (Article 6.2 Habitat Directives). To this aim, member states must carry out an appropriate assessment of any plan or activity that may impact a NATURA 2000 sites. In addition, every six years, member states are required to report on their progress in the implementation of the network and conservation of selected habitats and species (Article 12 Birds Directive and Article 17 Habitats Directive). Besides providing proper implementation of the ecological network, the Habitat Directives also calls on member states to incentivize educational and informational activities on biodiversity and nature protection and NATURA 2000 (Article 22 Habitat Directives).

The implementation of NATURA 2000 needs to simultaneously take into account ecological, economic and social aspects (Article 6 Habitats Directive); hence it requires a multisectoral approach that draws on different competencies and expertise (Brescancin et al. 2018, 23). The implementation process comprises three steps: site designation, site management and evaluation of the impact (Brescancin et al. 2018, 22).

The designation of NATURA 2000 sites occurs on scientific grounds, and it varies depending on which of the Nature Directives is applied. Under the Habitat Directive, member states must propose to the European Commission a list of SCIs which they intend to include in NATURA 2000. During biogeographical seminars, the European Commission, with the help of experts from the EEA evaluate the proposals of member states; if the Commission believes that the number of sites proposed is not sufficient, it may request member states to identify further sites to complete the network (European Commission 2015, 21). Once the Commission approves the SCIs, they become part of the network; at this point, member states have six years to designate them as Special Areas of Conservation (SACs) and introduce a management plan to maintain or restore the species and the habitats on a good condition. Under the Birds Directive, member states

identify SPAs; once again, the Commission evaluates the proposals, and if it deems it satisfactory, the SPAs directly become an integral part of the NATURA 2000 network.

In 2012 the European Commission launched the Natura 2000 Biogeographical process to support multi-stakeholders cooperation and enhance effective implementation, management, financing, and monitoring of the NATURA 2000 network. The process includes a set of seminars, workshops and cooperation activities among representatives from member states, the European Commission, the EEA, the European Topic Centre on Biological Diversity, the European Habitats Forum and the Natura 2000 Users Forum. Finally, in 1992 the European Commission launched the LIFE Programme, i.e., the funding instrument for the environment and climate action. Under the Environment sub-programmes, the EU has supported nature and biodiversity protection projects to encourage best practices and pilot projects that contribute to implementing the Nature Directive and NATURA 2000.

2.2.2 EU Biodiversity Strategy 2030

The latest EU Biodiversity strategy aims to fully recover biodiversity by 2030 «for the people, the planet, the climate and our economy» (European Commission 2020b, 3). It addresses the five main drivers of biodiversity loss, i.e., changes in land and sea use, overexploitation of natural resources, climate change, increasing level of pollution and growing invasive alien species (European Commission 2020b, 2). The strategy sets out very specific targets to halt and reverse biodiversity loss, such as the legal protection of at least 30% of EU's land areas and 30% of EU's sea area and the improvement of protected areas management and monitoring (European Commission 2020b, 5). To reach these and all the other objectives for nature conservation, the strategy provides comprehensive and cross-cutting actions across several sectors, including agriculture and sustainable farming, land management, forest management, water management and urban planning (European Commission 2020b, 8-13). Regarding the Birds and Habitats directives, the strategy focuses on the completion of NATURA 2000, including effective management of protected sites and better implementation, enforcement and revision of environmental legislation, which is likely to impact biodiversity (European Commission 2020b, 16).

In 2016 the European Commission carried out a Fitness Check evaluation of both Nature directives. The evaluation process involved EU-level organisations and competent national authorities and public and private sector actors, NGOs, and the wider public. The result of the fitness check recognised that «the Directives are without doubt the single most important component of the EU’s nature conservation framework and make a major contribution to EU’s target of halting biodiversity loss» (European Commission 2016, 15). Yet, it called for a substantial improvement in the level of implementation, stressing the need to increase the cooperation and the partnerships between public authorities and different stakeholders. To address the shortcoming identified during the evaluation process, in 2017, the European Commission adopted an Action Plan in which it identified four priorities: 1) Improve guidance and knowledge and ensure better coherence with broader socio-economic objectives 2) Build political ownership and strengthen compliance; 3) Strengthen investment in Natura 2000 and improve synergies with EU funding instruments; 4) Develop better communication and outreach to engage citizens, stakeholders and communities (Commission 2017: An Action Plan for nature, people and the economy). In line with this commitment, the 2030 strategy provides an enhanced governance framework to improve the implementation and enforcement of nature legislation. The EU has developed a solid legal framework for nature protection, but insufficient implementation and enforcement of nature laws have significantly hindered the achievement of the objectives. With the 2030 strategy, the European Commission intends to promote stronger monitoring and review mechanisms, support administrative capacity-building and increased dialogue with stakeholders at different levels (European Commission 2020b, 15). CSOs, NGOs, businesses, social partners, the research and technology community play an important role in nature protection governance, as they can provide technical expertise, science-based data, and innovative solutions (European Commission 2020b, 16).

The implementation of the Strategy will be very costly: The Commission estimates that at least €20 billion per year will have to be invested in nature protection to achieve the targets by 2030. For this reason, it calls for the mobilisation of both public and private investments, and it focuses on the “user pays” and “polluter “pays” principles to promote innovative tax systems and pricing that reflect environmental costs and damages (European Commission 2020b, 17).

Biodiversity protection is a priority for the EU external action as well: the EU is committed «to lead the world by example and actions» through its «Green Deal diplomacy» and green alliances (European Commission 2020b, 2, 19). The EU is already party to numerous international conventions on nature and biodiversity protection (Table 3). The 2030 strategy will help meet the Sustainable Development Goals of the UN 2030 Agenda and targets of the Paris Agreement on Climate Change (European Commission 2020b, 3). In its relations with the Western Balkans, neighbourhood, and partner countries, «the EU will strengthen the links between biodiversity protection, gender, health, education and conflict sensitivity»; it will increase its support to phase-out harmful actions to biodiversity (European Commission 2020b, 21) and it will promote stronger coalitions with civil society (European Commission 2020b, 22).

*Table 3 International Convention on nature protection to which the EU is party
Source: European Parliament 2020.*

International and regional conventions to which the EU is party
Ramsar Convention on the Conservation of Wetlands (1971)
CITES Convention (1973)
Helsinki Convention on the Protection of the Marine Environment of the Baltic sea area (1974)
Barcelona Convention on the Mediterranean (1976)
Bonn Convention on the Conservation of Migratory Species of wild animals (1979)
Bern Convention on the Protection of European Wildlife and Natural Habitats (1982)
The Convention on the Protection of the Alps (1991)
CBD (1992)
Aarhus Convention (1998)
Cartagena Protocol (2000)
Nagoya Protocol (2014)

2.3 CSOs involvement in environmental governance

The Agenda 21 adopted at the end of the UN Conference on Environment and Development, which took place in Rio de Janeiro in 1992 (Earth Summit) recognised the

importance of NGOs in the implementation of «environmentally sound and socially responsible sustainable development» and urged national governments and international organisations of the UN system to «develop mechanisms to allow NGOs to play their partnership role responsibly and effectively in the design, implementation and evaluation of environmental and development policies» (UN 1992, chapter 27). The sustainable development agenda adopted by the UN system in the 1990s considered participation in environmental governance a fundamental democratic right needed to guarantee the legitimacy of decision-making (Reed 2008). ENGOs mushroomed in the 1990s and became increasingly involved in global environmental governance through various channels, e.g., accreditation at international organisations where they could pressure decision-makers and advance their interests (Gremmill-Herren and Bamidele-Izu 2002, 6). In 1998, the Ministerial Conference of the UN Economic Commission for Europe (UNECE) adopted the Convention on Access to information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, better known as the Aarhus Convention²⁵. As the name suggests, the Conventions provides the public with three fundamental rights concerning the environment: 1) the right to receive environmental information held by public authorities, e.g., information on the state of the environment or on policies and measures (UNECE 1998, article 5)²⁶; 2) the right to participate in environmental decision-making, e.g., by providing comments or recommendations on projects, plans or programmes regarding the environment (UNECE 1998, articles 7/8); 3) the right to environmental justice, i.e., the right to initiate review procedures against public authorities that have violated the aforementioned rights or environmental law in general (UNECE 1998, article 9).

Since environmental challenges such as biodiversity loss or climate change have an extremely complex nature which requires cross-sectoral approaches, participatory processes in environmental governance have increasingly been promoted to allow stakeholders to contribute to decision-making with their different expertise, knowledge,

²⁵ The Convention was adopted within the framework of the “Environment for Europe” process, which gathered representatives from member states of the UNECE region, organisations of the UN system, regional environmental centres, environmental NGOs, the private sectors and other stakeholders, and provided a common platform to joint their efforts to implement environmental and sustainable development policies.

²⁶ Under the Convention, public authorities of member states are obliged to disseminate environmental information even without explicit request from the public (Aarhus Convention, article 5.5.).

competencies and values (Reed 2008, 2418). Scholars have advanced two main arguments to support participatory processes in environmental governance. According to the *normative* argument, public participation is a fundamental democratic right and a prerequisite for good governance: stakeholders and citizens' involvement provides legitimacy and transparency to the decision-making process, thus increasing the level of trust in public decisions (Gremmill-Herren and Bamidele-Izu, 2002 and Brescianin et al. 2018, 29). Participatory processes also raise the level of trust among the actors involved, thus increasing the possibility to find a compromise between conflicting positions. As diverse values and needs are taken into account in the decision-making process, public decisions are perceived to be more holistic and fairer, and this may improve practical compliance and enforcement (Reed 2008, 2420 and Newig and Fritsch 2009, 199). The *pragmatic* argument focuses on the positive impact of participatory processes on the quality and durability of environmental decision-making: the involvement of stakeholders ensures more complete information inputs that can lead to more sustainable and effective environmental policies (Reed 2008, 2024). There are at least two preconditions for the pragmatic argument to apply: first, stakeholders must be included since the very beginning of the decision-making process and throughout all the phases, i.e., planning, implementation, monitoring and evaluation; second, scientific knowledge must be completed by local knowledge from communities, which refers to culture, traditions and values (Reed 2008).

Gremmill-Herren and Bamidele-Izu (2002) claim that there are at least five main roles that NGOs can play in environmental governance. First, NGOs can be information providers for public authorities as they collect and disseminate up-to-date information on environmental challenges. Consequently, they provide input on the agenda-setting and policy-making processes. Third, thanks to their expertise and competencies, NGOs can contribute to the practical implementation of environmental policies, such as the management of natural resources. Forth, they carry out essential monitoring and assessment activities that help to strengthen compliance and to hold public authorities accountable. Finally, NGOs mobilise public opinion through advocacy activities and public campaigns, raising public awareness and informing the wider public on environmental matters (see also Ibrahim and Abdul Aziz 2012).

2.3.1 CSOs involvement in EU nature protection policy

As I have discussed in Chapter 1, the EU considers the involvement of CSOs in policy-making one of the main pillars of good governance (Commission of the European Communities 2001). In 2005 the EU became a party to the Aarhus Convention. Yet, legislation concerning the first two rights envisaged by the Convention, i.e., the right to access environmental information and the right to public participation in decision-making, had already been adopted in 2003 with the directive on public access to environmental information (Directive 2003/4/EC) and the directive on public participation in environmental matters (Directive 2003/35/EC). In addition, references to public participation in environmental decision-making were included in the directive on the assessment of the effects of certain plans and programmes on the environment (directive 2001/42/EC) and in the Water Framework Directive (directive 2000/60/EC).

Regarding biodiversity and nature protection, none of the two Nature Directives envisaged the participation of CSOs in the implementation of the NATURA 2000 ecological network. Yet, member states expressed their commitment to CSOs involvement in nature protection in the El Teide Declaration adopted by the European Council in 2002: «we commit ourselves (...) to promote awareness and understanding of NATURA 2000 and the development of partnerships involving the broad range of stakeholders in the conservation and management of NATURA 2000 sites» (European Council 2002).

The implementation of NATURA 2000 is an example of European Multi-Level Governance (MLG) in which the decision-making process is dispersed across multiple levels both vertically and horizontally: on the one hand, it involves multiple jurisdictions, e.g., the European, the national and the local one, on the other hand, it provides for the inclusion of non-state actors in the decision-making process (Klůvanková-Oravská 2009, 187). In the European system of environmental MLG, non-state actors such ENGOs or other interest groups, e.g., the landowners', foresters' or hunting lobbies, play a significant role (Brescianin et al. 2018, 23 and Klůvanková-Oravská 2009, 187). While acknowledging the importance of other interest groups and stakeholders, this thesis focuses on the role of ENGOs in the implementation of the two Nature Directives and NATURA 2000.

The creation of the ecological network NATURA 2000 has been particularly slow in most of the member states, as it is testified by the numerous infringement proceedings initiated by the European Commission against several countries - including traditionally virtuous states such as Germany, Finland, Denmark and the Netherlands - most of which have ended up before the European Court of Justice (Cent et al. 2014, 94 and Wurzel 2008, 264). Some scholars have attributed this delay to the top-down approaches adopted by most member states to implement the Nature Directives (Paavola 2009 and Cent et al. 2014). The top-down approach solely based on strict scientific criteria for NATURA 2000 site designation resulted in opposition from many stakeholders that were not included in the process (Cent et al. 2014, 94 and Wurzel 2008, 266). Hence, bottom-up approaches based on participatory governance were adopted by member states only at a later stage to find a remedy to the implementation and legitimacy gap caused by the top-down approach (Cent et al. 2014, 97).

Börzel & Buzogány (2010) argue that there are three mechanisms that incentives the adoption of European policies by national authorities and that may empower NGOs vis-à-vis their governments: the «push from above», the «pull from below» and the «nudge from the side» (Börzel & Buzogány 2010, 711). The «push from above» refers to the external pressure put on national governments by European institutions, in particular by the European Commission: before accession, this pressure is exerted through high conditionality, while after accession through the threat of infringement proceedings which may culminate in a case before the ECJ and in financial sanctions (Börzel & Buzogány 2010, 714). The «pull from below» refers to the internal pressure of CSOs which act as a watchdog for compliance with European policy: CSOs engage in lobby activities to pressure their governments to adopt and practically apply EU policy and in advocacy activities to mobilise the public and raise awareness about poor implementation or non-compliance. CSOs become an important source of information for European institutions, as they often report on cases of non-compliance directly to the Commission (Börzel & Buzogány 2010, 712, 713). Finally, the third mechanism – «nudge from the side» – refers to the opportunity for domestic CSOs to connect with transnational networks of like-minded organisations from old member states, and this connection is instrumental in favouring policy learning through the sharing of experience, information and best practices (Börzel & Buzogány 2010, 714). Domestic CSOs can thus draw on the

experiences of other organisations to increase their leverage vis-à-vis public institutions. These three mechanisms make the political costs of non-compliance or poor implementation very high, thus increasing the likelihood of proper and effective implementation by national governments (Börzel & Buzogány, 2010). Thanks to their direct link with European institutions and their empowerment through transnational networks, CSOs thus play a relevant role in pulling down European policies to the national level (Börzel & Buzogány 2010, 714).

2.3.2 CSOs and NATURA 2000: lessons from CEECs

Many scholars have analysed the involvement of CSOs, in particular ENGOs, in the implementation of NATURA 2000 in CEECs to study the impact of Europeanisation on domestic civil society in biodiversity protection policy (Klůvanková-Oravská 2009, Cent et al. 2013, Börzel & Buzogány 2010, Börzel and Fagan 2015, Sobot 2017). As I have argued, the EU has increasingly emphasised the involvement of non-state actors to ensure effective and more legitimate decision-making. In researching the role of CSOs in NATURA 2000, scholars have tried to understand whether the implementation of EU-related nature protection legislation has favoured new forms of interactions between state and non-state actors, more specifically ENGOs (Börzel and Fagan 2015, 889).

Right before they acceded to the EU, in the second half of the 1990s, CEECs experienced an economic upswing characterised by urban sprawl and growing investments in construction and infrastructures. This rapid development posed a major threat to biodiversity protection, as intense economic activities such as tourism, timber and agriculture caused overexploitation of natural resources (Klůvanková-Oravská 2009, 189). Even though it was a condition for EU membership, the implementation of the EU nature protection policy, i.e., the designation of the NATURA 2000 network, was not a priority for public authorities in CEECs. The lack of political will coupled with the lack of competencies and expertise necessary to conduct the site designation process resulted in a delayed and insufficient implementation of the network: indeed, none of the CEECs was able to propose to the Commission satisfying lists of selected NATURA 2000 sites before accession, causing much dissatisfaction within the European Commission (Börzel & Buzogány 2010, 717). The pressure from Brussels provided ENGOs with new opportunity vis-à-vis their government to promote proper implementation and

compliance with the two Nature Directives. For example, in Hungary and Poland, ENGOS played a major role in the successful implementation of NATURA 2000 (Börzel & Buzogány 2010, 708).

In Hungary, ENGOS collaborated closely with the government to select NATURA 2000 sites (Cent et al. 2013, 119). The Hungarian Ministry for Environment, which was the principal authority responsible for the implementation of the ecological network, asked the NGO BirdLife Hungary to prepare a list for SPAs - required by the Birds Directive - on the basis of their list of Important Bird Areas (IBAs); when the Ministry received the proposal by BirdLife Hungary, it accepted it almost entirely (Cent et al. 2013, 121). The same happened for the selection of SCIs under the Habitat Directive: the lists that the Hungarian government proposed to the European Commission – which covered almost 21% of the total territory of the country - did not differ much from that prepared by some environmental NGOs before the biogeographical seminar (Cent et al. 2013, 121). The overall effective collaborative relationship between public authorities and NGOs resulted in some cases of boundary crossing, i.e., officers from NGOs switching to positions at state nature conservation bodies and vice versa (Cent et al. 2013, 122). The leading ENGOS working on NATURA 2000 were the Hungarian Ornithological and Nature Conservation Association, which was a partner of BirdLife International; the National Society of Conservationists, which is an umbrella organization of green NGOs; WWF Hungary and the Central and East European Working Group for the Enhancement of Biodiversity (CEEweb). CEEweb is a regional network of conservation NGOs from CEECs created in 1994 on the input of the European Habitat Forum, which is the umbrella organisations of nature conservation NGOs from EU member states. With the creation of CEEweb, the European Habitat Forum aimed at creating a direct link with regional NGOs to prepare NGOs from acceding countries for the implementation of NATURA 2000 through the exchange of experiences and good practices (Cent et al. 2013, 122).

The Polish experience is quite different from the Hungarian one. Since the beginning, NATURA 2000 was a politically contentious topic: while Polish ENGOS were seriously committed to the implementation of EU nature protection policy and considered NATURA 2000 a huge opportunity to halt biodiversity loss, the Polish government prioritised economic growth over nature protection and considered NATURA 2000 a threat to development. The government, together with the State Forest Holding, which

was another strong opponent to NATURA 2000 and had close ties with the Ministry for Environment, tried to hamper the establishment of NATURA 2000 by proposing a very short list of selected sites: while the initial list prepared by some ENGOs covered almost 20% of the Polish territory, the final lists proposed by the government to the European Commission covered only 11%. As expected, at the biogeographical seminar, the European Commission rejected the list of the government and urged it to complete the network as soon as possible. On the same occasion, four conservation NGOs from Poland, i.e., WWF Poland, the Polish Society for the Protection of Birds, the Naturalist Club and the Policy society for the Protection of Birds, submitted their *shadow list* directly to the European Commission. Thus, the accession process provided domestic NGOs with a new channel, e.g., the participation in the biogeographical seminar, through which they could bypass their national government and establish a direct link with European institutions. Thanks to the support by DG ENV, Polish NGOs were able to put increased pressure on non-compliant state authorities and challenge their decisions (Cent et al. 2013, 123). The initial adversarial relationship between state authorities and ENGOs changed in 2007 when the new Polish government changed its attitude towards nature protection: instead of portraying NATURA 2000 as a threat, the new government considered biodiversity protection as one of its main responsibilities and described NATURA 2000 as a chance for further development which could ensure a rapid transfer of EU funds and increased investment in sustainable infrastructures (Cent et al. 2012, 124). The fact that the creation of a good conservation system based on NATURA 2000 became a shared goal of both public authorities and NGOs paved the way for new forms of interactions based on more cooperation (Cent et al. 2013, 124). Thanks to open and constructive cooperation with the newly created Directorate General for Environmental Protection (DGEP) and the Institute for Nature Conservation of the Policy Academy of Science in Kraków, NGOs started to be increasingly involved in the site selection and monitoring programmes.

Besides Poland and Hungary, other scholars have researched the participation of NGOs in the implementation of NATURA 2000 in other CEECs, such as Slovakia (Brescancin et al. 2018) and Romania (Börzel & Buzogány 2010).

Insights from CEECs all demonstrate that the implementation of NATURA 2000 has encouraged the cooperation between state actors and ENGOs, which became important actors in environmental governance (Cent et al. 2014, 97). The implementation of the

Birds and Habitats Directives requires specific competencies to gather all the necessary data for NATURA 2000 site selection. As in many cases CEE governments lacked resources and expertise, they resorted to ENGOs, which could fill this gap. Moreover, besides carrying out operational activities such as data gathering, some NGOs, thanks to the coordination of the regional network CEEweb, organised training programmes on NATURA 2000 to help national authorities and local administrators to acquire specific competencies and knowledge (Börzel & Buzogány 2010, 720).

As the Polish experience suggests, when the national government failed to properly work on NATURA 2000, NGOs adopted adversarial strategies, such as the presentation of a shadow list directly to the European Commission. The direct link with institutions at the EU level that supported them allowed NGOs to increase their leverage vis-à-vis their governments. In addition, NGOs put pressure on the national government through lobby and advocacy activities and draw public attention to cases of poor implementation, which they reported directly to the European Commission; as such, they worked as a watchdog for compliance and information providers for European institutions.

Domestic NGOs could also take advantage of participation in transnational networks such as the WWF and BirdLife International and from the cooperation with European organisations such as the European Habitat Forum. These links fostered the exchange of experiences and expertise, favouring policy learning from old to new member states. Thanks to these exchange and cooperation, domestic NGOs were able to acquire more specific competencies that made them indispensable partners for their national governments in the implementation of NATURA 2000. The best example is the network CEEweb, which favoured the exchange of experiences at the regional level and helped the new members advance regional interests and concerns at the EU level (Börzel & Buzogány 2010, 719).

In addition to regional networks, NGOs joined their forces at the national level to increase their influence vis-à-vis public institutions and united their resources to carry out complex tasks connected to NATURA 2000 site designation. In Hungary, for example, conservation NGOs formed the NATURA 2000 working group, while in Romania, 51 organisations gathered in the Coalition NATURA 2000. Besides contributing to the site

designation process, these coalitions also carried out advocacy and communication activities to increase public awareness on nature protection and NATURA 2000.

Finally, NGOs in CEECs benefitted from financial and technical assistance programmes financed by the EU, such as PHARE, ISPA or SAPARD programmes. In line with what I have argued in chapter 1, the access to EU funding fosters NGOs professionalisation and specialisation, benefitting above all well-established and consolidated organisations (Börzel & Buzogány 2010, 709). Alongside more traditional activities such as advocacy, lobby, research and monitoring, these association started to be engaged as consultants for public authorities or partners in state-run programmes financed by the EU.

To sum up, the implementation of NATURA 2000 has favoured the emergence of more cooperative and participatory relationships between state and non-state actors in former enlargement countries from CEE. The involvement of ENGOS mostly regarded consultation and the delegation of technical tasks; yet, thanks to their expertise and competencies, NGOs became important partners for national governments for the NATURA 2000 site designation process, which overall strengthened their role as actors in biodiversity protection governance (Börzel & Buzogány 2010).

Drawing on the lessons from CEECs, in the third chapter, I will research the role of environmental NGOs in the implementation of the Nature Directives and NATURA 2000 in Serbia, and I will try to understand whether the adoption of EU-related nature protection policies has favoured the emergence of participatory and cooperative relationships between public authorities and ENGOS.

Chapter Three

Serbia's environmental policy and CSOs participation in the implementation of the EU Nature Directives and NATURA 2000

In this final chapter, I will analyse Serbia's negotiation process on former Chapter 27 on the environment and climate change, and I will study the level of civil society involvement in the implementation of EU-related nature protection policies. First, I will analyse Serbia's legal and institutional framework for environmental governance to understand how well it complies with the EU environmental acquis. I will study the role of ENGOs in the implementation of the EU Nature Directives and NATURA 2000. To this aim, I will present the results of a set of qualitative interviews that I have conducted between October and December 2020 with representatives of Serbian environmental CSOs.

With the new EU enlargement methodology adopted in February 2020, former Chapter 27 of the *acquis communautaire* on the environment and climate change has been included in Cluster 4, "*Green Agenda and Sustainable Connectivity*". The Green Agenda was included in the Economic and Investment plan for the Western Balkans adopted by the European Commission in October 2020.

Stressing the significant economic potential of green growth and circular economy for the WB, the Agenda aims to create stronger links and promote joint climate and environmental actions between the EU and the WB (European Commission 2020e, 15). The Green Agenda builds on the existing cooperation frameworks, i.e., the Stabilisation and Association Process, and it focuses on five main policy areas: a) climate action; b) circular economy; c) biodiversity protection; d) air, water, and soil pollution; e) sustainable food system and rural areas (European Commission 2020e). Regarding biodiversity protection, the European Commission urges the WB to «spare no effort to protect the biodiversity and ecosystem services including through alignment with EU legislation» (European Commission 2020d, 13). The Commission acknowledges that in most WB countries, a comprehensive legal framework for nature protection exists, but it points out that nature and biodiversity policy need to be better integrated into other policy areas such as agriculture, fishery, forestry, energy, transport, and tourism (European Commission 2020e, 14). It also warns about the poor level of implementation

of these policies, and it refers to the lack of political commitment and of financial resources as the two major challenges for policy implementation (European Commission 2020e, 13). For this reason, the Commission commits to stronger assistance for public administration reforms in the WB to improve inter-institutional coordination and promote transparent and accountable decision-making. In addition, the EU will support the establishment of a functioning environmental governance system based on three basic rights of the Aarhus Convention, i.e., access to environmental information, public participation in decision-making and access to justice in environmental matters (European Commission 2020e, 16). To support capacity-building and favour the exchange of knowledge and best practices, the Commission will strengthen the cooperation in research and innovation through the EEA and Eionet. Finally, the Agenda underlines the importance of education and awareness-raising to inform the wider public and stimulate a public debate on the added value of a strong nature protection system (European Commission 2020e,19).

3.1 Research methodology

Before outlining the methodology used to carry out this research, I would like to point out that this thesis is an integral part of the Honours Programme TALETE – Talenti e Territori, which the University and the School of International Studies organise in collaboration with the Centre for International Cooperation of Trento. Part of the Programme includes on-field research which I was supposed to carry out in Serbia between summer and autumn 2020; as it was not possible for me to go abroad due to Covid-19 restrictions, the original plan for this study had to be rearranged, and the research had to be conducted entirely from home. I had the opportunity to collaborate with Osservatorio Balcani Caucaso Transeuropa (OBCT), a think tank based in Trento and specialises in active citizenship, EU enlargement in the Western Balkans and international cooperation. The organisation's support has been crucial throughout the research and has allowed me to gain a more comprehensive and critical insight into the Serbian civil sector. On a more practical level, the collaboration with OBCT has been instrumental for mapping environmental CSOs and organising online interviews with some representatives of key Serbian organisations.

Before analysing the role of CSOs in the implementation of the Nature Directives, I intend to determine the formal compliance of Serbian environmental law with the EU environmental acquis. To this aim, I revised the most important pieces of legislations that constitute the building blocks of Serbian biodiversity governance, i.e., the Law on Environmental Protection and the Law on Nature Protection, and I analysed the institutional framework of Serbian multi-level environmental governance. I then examined the Screening report on former chapter 27 issued by the European Commission in 2016 and all the subsequent annual Progress Reports to assess compliance with the environmental acquis and point out the main challenges to proper implementation.

To investigate the role of CSOs in the implementation of nature protection policy, I:

- a) examined the *level* of CSOs participation in the implementation of environmental policy, with specific focus on the Birds and Habitats directives;
- b) analysed *how* CSOs participate in environmental governance by identifying the type of activities that they promote.

To assess the level of civil society participation in nature protection governance, I used a five-level scale that includes the following degrees of participation²⁷:

1. *information*: public authorities provide civil society with comprehensive information concerning the policy at stake;
2. *consultation*: public authorities ask civil society for feedbacks and opinions on policy decision and provide feedbacks to civil society on how decision was influence;
3. *collaboration*: public authorities partner with civil society in the identification of policy solutions and incorporate the public recommendations into the decisions;
4. *empowerment*: public authorities place decision-making and/or some implementation responsibilities in the hands of civil society.

To analyse how civil society participates, I researched the type of activities that they support considering three macro-areas:

²⁷ This scale is an elaboration of the most common participation scales used for the analysis of public participation in environmental governance, e.g. Brescianin et al. 2018, Herwig 2008, Poppe et al. 2018, Tabbush 2004.

- a. *Communication*: civil society organisations engage in awareness-raising and educational activities to keep the wider public well informed;
- b. *Advocacy and Lobby*: civil society organizations actively seek to influence the decision-making and implementation process;
- c. *Provision of expertise*: civil society organizations support public authorities' work by providing technical support and expertise.

To determine the level of participation and the type of activities that CSOs carry out, I elaborated a set of indicators that has allowed me to evaluate the information gathered both by the desk study and the qualitative interviews. To give an example, I identified the participation in public hearings or consultations and the publication of position papers or policy recommendations by a CSO as indicators that the organisation engages in *advocacy and lobby* activities towards governmental bodies. The complete list of indicators is provided in Annexe 1.

Initial stakeholder analysis has allowed me to identify some key CSOs engaged in nature protection policy and NATURA 2000 implementation. To obtain a comprehensive account for their role, I have first analysed some documents such as activity reports, online publications, and websites. Then, I have completed the desk study with some in-depth qualitative interviews with civil society representatives and public officers. These interviews have allowed me to gain better insights into their perceptions and opinions on the emergence of a participatory process. As I have anticipated, all the interviews have been carried out online between October and December 2020; to ensure interviewees' privacy, I will only refer to them with the name of the organisation they represent and the position they hold.

Table 4. List of organisations and institutions interviewed.

Environmental CSOs
Bird Protection and Study Society of Serbia
Environmental Ambassadors for Sustainable Development – ENV.net
Environmental Engineering Group
EPTIASIA Southeast Europe – „Eu for Natura 2000 in Serbia”
European Environmental Bureau – ENV.net
Punto.sud – ENV.net
WWF Adria
Young Researchers of Serbia
Public institutions
Institute for Nature Conservation of Serbia
University of Belgrade

3.2 Environmental Governance in Serbia

Contrary to other countries of the Balkan region, in the aftermath of former Yugoslavia’s dissolution, Serbia could take advantage of the long legacy of state institutions and existing technical and administrative structures of former Yugoslavia, which remained almost intact from the socialist period and were centralised in Belgrade (Fagan and Sircar 2015, 103). When the European integration process began in 2000, the EU was not involved in state-building, as it was in other Balkan countries such as Bosnia Herzegovina. Yet, the events that have devastated the region during the 1990s had a destructive effect on the economy of the country and its institutional capacities to implement reforms, including the ones connected to environmental policy (Todič 2019, 17).

The Republic of Serbia is a unitary state that recognises three governance levels: central, provincial, and local²⁸. Local self-government units in Serbia are municipalities, towns and the City of Belgrade, which has a special status. They amount to 174 units, including 150 municipalities, 23 cities and the City of Belgrade (Law on Territorial Organisation

²⁸ Article 12 of the Serbian Constitution, which was adopted in 2006 after the dissolution of the confederation with Montenegro, states that: «State power is restricted by the right of citizens to provincial autonomy and local self-government (...)). (Constitution of The Republic of Serbia 2006).

2007). There is also an intermediate level represented by two Autonomous Provinces: The Autonomous Province of Vojvodina, in the North of the country and the Autonomous Province of Kosovo Metohija. Indeed, as Serbia has not recognised Kosovo's unilateral declaration of independence of 2008, article 182 of the Serbian Constitution still includes Kosovo and Metohija as part of the national territory. The relationship between Serbia and Kosovo has been a crucial topic for the political balance of the region and strongly influences the process of European integration of both countries: the normalisation of the relationship between Belgrade and Prishtina remains a precondition for a credible future in the EU. Following the UN Security Council resolution 1244 of 1999, which established the UN Interim Administration Mission in Kosovo (UNMIK), in this chapter, I will consider the Autonomous Province of Vojvodina as the only autonomous province of Serbia.

In this section, I shall discuss Serbia's legal and institutional framework for environmental governance and the role of the main actors involved at the different levels.

3.2.1 Legal framework

Article 74 of the Serbian Constitutions recognises the right to a healthy environment and to adequate information about the state of the environment in the country (Constitution of The Republic of Serbia 2006).

The Serbian legal framework for environmental protection is complex and is composed of a set of national and provincial laws, by-laws, strategies and programmes which regulate: 1) assessment of the impact of plans, programs and projects on the environment; 2) integrated pollution prevention and control; 3) protection of nature; 4) protection of air, water, land, forests, geological resources; 5) management of chemicals; 6) waste management; 7) ionising and non-ionising radiations; 8) protection from noise and vibrations (Law on Environmental Protection 2004, article 10).

The environmental protection system is regulated by the Law on Environmental Protection, which was adopted in 2004. It establishes a system to provide comprehensive measures for sustainable management and conservation of natural values and for prevention and control of environmental pollution (Law on Environmental Protection 2004, article 2). In line with the holistic principle of sustainable development, Serbia

should develop a harmonised system of technological, economic, and social development activities that guarantee the preservation of environmental quality for the present and future generations (Law on Environmental Protection 2004, article 9.4). To this aim, environmental protection and improvement measures should be integrated into all sectoral policies through coordinated plans and programmes and a system of permits and technical standards (Law on Environmental Protection 2004, articles 9.1 and 9.2); for example, an Environmental Impact Assessments (EIA) for projects and programmes in the field of spatial and urban planning is required to guarantee the least possible effects on the environment.

Two fundamental principles lay at the basis of the system: the ‘polluter pays’, and the ‘user pays’ principles. The former states that polluters must pay a fee for the environmental pollution that they cause, while the latter claims that every user of natural values must pay the actual price of its usage (Law on Environmental Protection 2004, articles 9.6 and 9.7). Moreover, any legal or natural person that causes environmental pollution because of illegal or erroneous activities is liable for his/her actions (principle of liability); as a consequence, every citizen has the right to denounce such wrongdoings and exercise their right to a healthy environment before the courts (Law on Environmental Protection 2004, articles 9.5 and 9.11).

Environmental protection measures are implemented through the National Environmental Protection Programme (NEPP), which is adopted by the central government and usually covers ten years. It outlines the main objectives of environmental policy and the short-term and long-term measures for environmental protection. The Autonomous Province can introduce provincial or local programmes for its territory, as long as they comply with the national one.

Another important strategic document for environmental governance is the National Strategy for Sustainable Use of Natural Resources and Goods (Law on Environmental Protection 2004, article 10). As for the NEPP, the central government is responsible for adopting the Strategy, but the Autonomous Province and local self-government units have the right to adopt their own plans and programmes.

The financing of the environmental protection policy is based on the aforementioned ‘user pays’, ‘polluter pays’, and ‘liability’ principle. In addition, article 90 of the Law on

Environment Protection provides for the establishment of a specific Green Fund managed by the Ministry for Environmental Protection. The Green Fund should finance environmental protection programmes and plans, such as projects in the field of waste management, rehabilitation of dumping sites, protection and preservation of biodiversity, promotion of renewable resources and ecological modes of transports, programs of environmental educations and awareness-raising activities (Law on Environment Protection 2004, article 90). The Law also recognises the importance of foreign means such as foreign investments, instruments, programmes and funds from the EU, the UN or other international organisations.

The supervision of the implementation of environmental protection measures is performed by environmental inspectors that belong to the Ministry of Environmental Protection or the competent provincial and local authorities. Their main task is to ensure that the management and use of natural resources comply with the Law on Environmental Protection.

3.2.1.1 Nature protection legislation

In 2009 the Serbian government adopted the Law on Nature Protection, whose major aims are: a) ensure the long-term conservation of natural values and the equilibrium of natural ecosystem; b) harmonize human economic and social activities with the sustainable use of natural resources and c) prevent all activities that may have detrimental effects on nature and biodiversity (Law on Nature Protection 2009, articles 4.24 and 4.44).

According to the principle of integrated protection, nature protection policies should be integrated not only in the general strategy of sustainable development but also in other sectoral plans and programmes, such as spatial and urban planning. Moreover, all the public authorities, organisations, and institutions responsible for activities that impact the environment should respect measures and conditions for permanent nature conservation. In addition to national legislation, all the aforementioned entities should also comply with provisions and rules of approved environmental international conventions, which are directly applicable as an integral part of the legal system (Law on Nature Protection 2009, article 5.7).

Not only provincial and local public authorities, but also managers of protected areas, entrepreneurs, professionals, and scientific organisations, and other CSOs are responsible for implementing nature protection legislation (Law on Nature Protection 2009, article 6). They should carry out, amongst others, the following tasks: determine protected natural goods and establish a system to monitor their protection; harmonise national activities to global standards; encourage scientific work and research; inform the public and spread awareness on nature protection matters and favour the involvement of the public and local communities in decision-making processes (Law on Nature Protection 2009, article 7).

Nature protection policy is outlined in the national Nature Conservation Strategy, which is completed by conservation programmes of Autonomous Provinces and local self-government units. It determines a «long-term planning framework for integrated nature protection policy», and it identifies objectives, measures and activities to preserve natural protected areas and ecological networks (Law on Nature Protection 2009, article 112). The supervision over the implementation of nature protection provisions is a responsibility of the Ministry of Environmental Protection and environmental inspectors. Provincial and local public authorities are entrusted with supervisory activities for protected areas located in their territory or proclaimed by themselves (Law on Nature Protection 2009, article 119). Every five years, the Ministry of Environment Protection, together with the Institute for Nature Conservation, should issue a Nature Status Report to update information concerning nature conservation (Law on Nature Protection 2009, articles 112, 113, 114).

3.2.1.2 International Conventions

National environmental legislation is integrated by principles and provisions of MEAs, which facilitate the cooperation with other states and international organisations in environmental matters and contribute to the improvement of Serbian legislation and to its harmonisation with European and global standards. Serbia has ratified the most important MEAs: for example, regarding climate change, it is a party of the United Nation Framework Convention on Climate Change (2001), the Kyoto Protocol (2007) and the Paris Agreement (2017). Moreover, it is a member of the Convention on Environmental Impact Assessment in a Transboundary Context (2017) and has ratified the connected

Protocol on Strategic Environmental Impact Assessment (2010). Regarding biodiversity and nature protection, Serbia has ratified several conventions (Table 5).

Table 5. Multilateral Environmental Agreements ratified by Serbia in the field of nature protection.
Source: Institute for Nature Protection of Serbia.

MEAs	National legal act on ratification
International Plant Protection Convention	Decree on the Ratification of the International Plant Protection Convention, "Official Gazette of the SFRY, International Agreements" no. 1/1985
International Convention for the Protection of Birds	Law on the Ratification of the International Convention for the Protection of Birds, "Official Gazette of SFRY", no. 6/1973
Convention on Wetlands of International Importance, particularly as the habitat of wading birds	Decree on the Ratification of the Convention on Wetlands of International Importance, particularly as the habitat of wading birds, "Official Gazette of SFRY, International Agreements", no. 9/1977
Convention on Cooperation for the Protection and Sustainable Use of the Danube River	Law on the Ratification of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River, "Official Gazette of the Federal Republic of Yugoslavia, International Agreements", no. 2/2003
Convention on the Conservation of Migratory Species of Wild Animals	Law on the Ratification of the Convention on the Conservation of Migratory Species of Wild Animals "Official Gazette of RS, International Agreements", no. 102/2007
Convention of European Wild Flora and Fauna and Natural Habitats ²⁹	Law on Ratification of the Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats, "Official Gazette of the Federal Republic of Yugoslavia, International Agreements", no. 11/2001
Convention on Biological Diversity	Law on the Ratification of the Convention on Biological Diversity, "Official Gazette of RS, International Agreements" no. 102/2007
Convention on International Trade in Endangered Species of Wild Fauna and Flora	Law on Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, "Official Gazette of the Federal

²⁹ This Convention, better known as Bern Convention, was adopted by the Council of Europe and, as I have described in chapter 2, is the legal basis for the establishment for the pan-European ecological network EMERLAD.

	Republic of Yugoslavia, International Agreements", no. 11/2001
Convention on the Protection of the World Cultural and Natural Heritage	Law on the Ratification of the Convention on the Protection of the World Cultural and Natural Heritage, "Official Gazette of SFRY, International Agreements", no. 56/1974)
Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

For the aim of this research, it is worth pointing out that since May 2009, Serbia is a party to the Aarhus Convention, which provides the legal basis for participatory environmental governance.

3.2.2 Institutional framework

Competencies in environmental policy are distributed across multi-levels of governance, depending on their nature and scope. Together with institutional entities at the three different levels, several actors from the civic sector play an important role in the environmental protection system, e.g., scientific and expert organisations, non-governmental organisations, professionals and enterprises that may affect environmental values with their activities. All these entities are responsible for preserving and improving the environment, and they should cooperate in implementing coherent environmental policies (Law on Environmental Protection 2004, articles 4 and 8).

3.2.2.1 State level

Central state competencies for environmental protection are provided by article 97 of the Serbian Constitution: the Republic should provide sustainable development, a system of protection and improvement of the environment and protection and improvement of flora and fauna (Constitution of The Republic of Serbia 2006, article 97.9). The key institutional actor for environmental governance is the Ministry of Environment Protection. It was instituted for the first time in 2007 as the Ministry for Environment and Spatial Planning; before that, environmental protection was a responsibility of a

Directorate within the Ministry of Science and Technology. As it was established, the Ministry had very low capacities and cooperation with the Ministry of Agriculture, Forestry and Water on matters of common interests was quite difficult (European Commission 2007, 34). In 2012, environmental protection was moved under the responsibility of the merged Ministry of Energy, Development and Environment, but two years later, this Ministry was abolished, and environmental protection fell under the jurisdiction of the Ministry of Agriculture. Finally, in 2017 the government re-established an independent Ministry of Environment Protection responsible for nature protection, including the management of protected areas and ecological networks such as EMERALD and the future NATURA 2000, climate change policy, water and air pollution, waste management, and for the implementation of the Aarhus Convention (Law on Ministries 2017). Within the process of European integration, the Ministry is responsible for drafting the Negotiating Position on Chapter 27 in collaboration with the Negotiating Group 27³⁰. In addition to the Ministry of Environment Protection, other Ministries perform tasks related to environmental protection: the Ministry for Agriculture, Forestry and Water Management, for example, is responsible for the protection of agricultural land, and the internal Forest Directorate is in charge of wildlife protection (Law on Ministries 2017).

Another actor at the state level is the Serbian Environmental Protection Agency (SEPA). It was established in 2004 as part of the Ministry for Environment and Spatial Planning, and today it is a legal body within the Ministry for Environment Protection. It is responsible for the monitoring and continuous control of the conditions of the environment, and it develops and manages the environmental information system, which is composed of a database that gathers all relevant information concerning the state of the environment, such as air and water quality. It also includes scientific and technical

³⁰ Negotiating groups are established within the Ministry of European Integration to negotiate accession to the EU. They involve representatives from different authorities and organisations, including the Ministry of Foreign Affairs; Ministry of Finance; Ministry of Justice and Public Administration; Ministry of Interior, the European Integration Office; Office for Expert and Operational Activities in the Negotiation Process; Serbian Secretariat for Legislation and Cabinet of the President of Serbia (Ministry of European Integration of the Republic of Serbia 2020).

information and a register of environmental pollution sources (Law on Environmental Protection 2004, articles 74 and 75). The SEPA has strong links with the EEA and Eionet.

Regarding biodiversity and nature protection, the key institution at the state level is the Institute for Nature Conservation of Serbia, which was established in 1948 as a research institute to protect and improve the Serbian natural heritage. The headquarters of the Institute is in Belgrade, but there is also a secondary office in Niš, in the South-Eastern region of the country. In addition, the Institute for Nature Conservation of Vojvodina Province based in Novi Sad is responsible for the implementation of nature conservation policies in the Autonomous Province of Vojvodina in the North of Serbia. The central Institute is organised in five departments, including one for Ecological Networks and Sustainable Development. It cooperates with several international institutions and organisations to promote a constructive exchange of experiences, knowledge and best practices in the field of nature conservation and to support the implementation of international standards within the national strategy for nature conservation. It is a member of two major international organisations dealing with conservation issues: The International Union for Conservation of Nature – IUCN, the European Association for the Conservation of the Geological Heritage – ProGEO, and it collaborates with the World Wildlife Fund (WWF).

Over the years, the Institute has developed its human resources, organisational and infrastructural capacities, and today it carries out a wide range of activities, from field research and data collection to educational programs and promotional activities (Institute for Nature Conservation of Serbia 2020). The Institute manages databases on protected natural goods, habitats, species and ecological networks as part of the broader information system managed by the Environmental Protection Agency. It also provides professional input to the drafting of appropriate assessment for activities carried out in natural areas and to feasibility studies and environmental impact assessments (Law on Nature Protection 2009, article 102). Together with the Institute for Nature Conservation of the Vojvodina Province, it is responsible for establishing ecological networks, which include NATURA 2000.

3.2.2.2 Provincial level

Article 183 of the Serbian Constitution outlines the competencies attributed to the Autonomous Provinces. They include competencies in the field of environment protection, such as agriculture, forestry, hunting, fishery and water economy (Constitution of The Republic of Serbia 2006).

Since the end of the Second World War, the Northern region of Vojvodina has been an Autonomous Province within the Republic of Serbia. From an ethnolinguistic point of view, it is the most heterogeneous region of the country; indeed, there are six official languages: Serbian, Hungarian, Slovak, Croatian, Romanian and Ruthenian. The administrative organisation is outlined in the Statute of the Autonomous Province of Vojvodina, which was ratified in 2008 by the Provincial Assembly and amended in 2014 after the Serbian Constitutional Court declared some provisions unconstitutional.

Institutions of the Autonomous Province of Vojvodina are responsible for protecting and improving the environment and preventing detrimental effects to human life and health (Statute of the Autonomous Province of Vojvodina 2014, article 13). The Provincial Government is organised in several Secretariats that are similar to Ministries. These also include a Secretariat for Urban Planning and Environmental Protection, which is in charge of controlling exploitation and protection of natural resources and providing continuous control and monitoring of the state of the environment (Autonomous Province of Vojvodina 2020). It is responsible for the implementation of environmental and nature protection programmes in line with the national programme, and it has the right to declare certain territories to be protected areas and identify protective measures in conformity with the law (Statute of the Autonomous Province of Vojvodina 2014, article 27.5).

The leading institution for nature protection and biodiversity conservation activities is the Provincial Institute for Nature Conservation (Law on Nature Protection 2009, article 103). It was created in 1947 as the Natural History Department within the Agricultural Museum of Vojvodina, and soon became a leading centre for scientific research of nature in the region. In 1993 the Institute officially became a working unit of the National Institute for Nature Conservation of Serbia. Today the Institute is responsible for nature protection activities outlined in the Law on Nature Protection, article 102: they include

collecting and processing data about nature, drafting an appropriate assessment for works and activities in nature, carrying out feasibility studies and elaborating Environmental Impact Assessments (EIA), participating in the implementation of ratified international agreements on nature protection, taking part in the procedure of public insight for the proclamation of protected natural goods and informing the public of natural values and factors of endangerment (Law on Nature Protection 2009, article 102).

3.2.2.3 Local self-government level

Local self-government units are regulated by the Law on Local Self-Government adopted in compliance with the European Charter of Local Government³¹. They are the level of state administration that is closest to citizens, and they play a crucial role in supporting sustainable development of local communities, for which they should harmonise economic and social development goals with environmental protections needs and objectives (Vujadinovic et al. 2016, 82). The level of local development differs to a great extent across local self-government units: large cities tend to be characterised by a high concentration of population and industrial activity, while smaller municipalities suffer from considerable levels of unemployment, demographic and economic stagnation and low living conditions (Vujadinovic et al. 2016, 81).

Although environmental protection is a shared competence across the different governance levels, state authorities have the greatest responsibility in directing environmental policy, and local self-governments' normative power is constrained. Among their main competencies there is urban planning and construction, education and culture, and environmental protection and protection against natural and other disasters (Vujadinovic et al. 2016, 78). Moreover, local self-government units can be delegated duties that are normally a responsibility of state or provincial authorities if they can be better performed at the local level; inspection activities in the areas of environment, agriculture, water and forestry are an example of such transferred duties (Vujadinovic et al. 2016, 78). The competent authorities for environmental governance are usually concentrated at the City-level, while Municipalities have limited powers. There is a

³¹ Serbia ratified the European Charter of Local Government in 2007 with the Law on Ratification of the European Charter of Local Government, Official Gazette RS, no. 70/07.

separate department dedicated to environmental protection in most City administrations, and the same is true for some smaller urban Municipalities (Fagan and Sircar 2015, 115). Town and Municipalities coordinate their activities through the Standing Committee for Cities and Municipalities (SKGO), a non-state body where representatives from towns and municipalities gather to develop and improve local government and support common interests. It is composed of several committees dedicated to different policy areas, including a Program Sector for Urban Development, Environment and Communal Services (Standing Conference of Towns and Municipalities 2020).

At the local level, there are significant gaps in administrative staff with technical expertise in the field of the environment and an urgent need for capacity building and training programmes for local functionaries. These gaps are particularly evident in smaller Municipalities where there is a very limited budget dedicated to environmental protection and not enough qualified personnel. In many cases, one or two local officials have to work simultaneously on several sectors, such as agriculture, spatial planning and forestry, but they lack the skills and knowledge to carry out the tasks according to standards and best practices (Fagan and Sircar 2015, 115).

Many local authorities have received forms of international assistance to address these shortcomings and to help local government units successfully undertake tasks related to environmental governance, such as the implementation of the procedure for Environmental Impact Assessments. Yet, international donors focused more on implementing large infrastructure projects, e.g., waste management projects, rather than on other forms of assistance such as technical training and social learning, which would allow a long-term improvement of local administration capacities (Fagan and Sircar 2015, 116).

3.2.3 Legal framework for public participation in environmental policy

Alongside these three levels, there is also a horizontal dimension of environmental MLG. Civic participation in environmental governance is regulated by the Law on Environment Protection and the Law on Nature protection. Part V of the Law on Environment Protection is dedicated to public information and participation. Regarding access to information, public authorities at all governance levels must «regularly, timely,

completely and objectively» disseminate information on the state of the environment and on strategies, plans, or other document related to environmental protection (Law on Environment Protection 2004, articles 78-80) and they are obliged to «inform the public without any delay (...) about the existence of hazard for human life and health or the environment» (Law on Environment Protection 2004, article 80). On public participation in decision-making, article 81 of the Law on Environment Protection regulates that the public has the right to participate in decision-making processes concerning, among others, air quality plans, waste and hazardous waste management, water pollution action plans; in all these cases, the Government must outline the procedure for public participation in decision-making. In addition, the public also has the right to access justice, and as such, it has the possibility to initiate a procedure of «decision reviewing» before the court (Law on Environment Protection 2004, article 81a). These provisions are mirrored in the Law on Nature Protection, which regulates access to information and public participation in the specific sector of biodiversity preservation. When deciding on the declaration of protected areas, the proponents are required to inform the public and organise public debates to gain insights from all stakeholders about the proposal; moreover, proponents should allow stakeholders to send recommendations or opinions for at least 20 days after the proposal has been communicated (Law on Nature Protection 2009, article 43). Public participation should be ensured «during the development of regulations on protected areas management and utilisation of natural resources». Finally, article 117 of the Law on Nature Protection states that the Ministry for Education, together with other competent authorities at the state, provincial and local levels, should promote education on nature protection and inform about natural values and the factors that may endanger them (Law on Nature Protection 2009, article 117).

The Law on Environmental Impact Assessment and the Law on Strategic Environmental Impact Assessment adopted in 2004 also contributed to improving and strengthening public participation in environmental matters. Stakeholders involvement in the EIA procedure is indeed one of the typical examples of participatory process in environmental governance. Although public authorities are obliged to consult the public, according to a study led by the Regional Environmental Centre of Serbia (REC), in 2015, only 19% of environmental CSOs were included in the elaboration of environmental impact assessments (Regional Environmental Centre of Serbia 2015, 16).

3.3 Compliance with the EU environmental acquis

One of the requirements that Serbia has to satisfy as a candidate country is the alignment of its national legislation to the EU environmental acquis communautaire, which include the entire corpus of EU primary law, i.e. regulations, directives and decisions. The approximation process consists of three phases: adoption or transposition of EU law, implementation and enforcement (Kapios 2002, 6). As I shall discuss in this section, while Serbia, over the years, has done satisfactory work in transposing EU laws inside national legislation, significant challenges remain in terms of implementation and enforcement.

Former Chapter 27, “Environment and Climate Change”, is one the most difficult chapters of the acquis communautaire for candidate countries to comply with. First, it is one of the most expensive, as alignment requires significant resources and capital investments (European Commission, 2016). Strong financial commitments from candidate countries are justified by the fact that future benefits will exceed the costs of approximation: higher environmental standards will guarantee improved health and a better quality of life for citizens (Kapios 2002, 8). Second, the environmental acquis is very broad, and it encompasses a high number of legislative acts that span across different policy areas; thus, compliance with this chapter requires close cooperation among all responsible authorities and stakeholders. Finally, to implement and enforce environmental legislation, a «strong and well-equipped» administration at the central and local levels is «imperative» (European Commission, 2016).

Serbia adopted its National Environmental Approximation Strategy in 2011. It is the strategic document that outlines Serbia’s plans to successfully achieve three tasks: a) preparation and adoption of the national legislative framework in line with European provisions; b) establishment of the administrative systems and procedures for the correct implementation and enforcement of the legislation; c) improvement of existing and creation of new infrastructures to be able to comply with the legislation (National Environmental Approximation Strategy 2011). In the National Strategy, Serbia acknowledged that working on (former) Chapter 27 would require large investments in infrastructure, which costs would approximately amount to €10.6 billion. The most expensive costs were expected to be the water sector (€5.6 billion), waste management

(€2.8 billion), and the industrial section (€1.3 billion). Nature protection was calculated to cost almost €139 million (National Environmental Approximation Strategy 2011, 25)³². The Strategy also includes a cost-benefits analysis for the timeframe 2011-2030 based on the environmental conditions and technological development. Despite this high approximation costs, Serbia recognised that future benefits would eventually outweigh costs, especially in terms of life quality and reduced mortality, improved agricultural production and benefits to the ecosystem. Economic benefits over the analysed period were estimated to be around €25.3 million, while costs would be €10.8 million (National Environmental Approximation Strategy 2011, 28).

Screening meetings on the environmental chapter began in September 2014. During this preparatory phase, the European Commission and the Serbian government worked together to determine the candidate country's level of preparation regarding the adoption of the acquis. After the initial screening, in 2015, Serbia adopted the action plan '*Transposition and Implementation of environmental and Climate Acquis – Chapter 27: status and plans*' in which it outlined its strategy to further align national legislation to EU standards.

Once the screening phase was completed, the European Commission published its Screening Report in 2016, in which it highlighted some key findings and a set of challenges that Serbia needed to address. The Commission acknowledged that Serbia had already achieved a satisfactory level of alignment with the environmental acquis (European Commission 2016, 17). Yet, important shortcomings were evident at the implementation and enforcement levels. Two main causes were identified: on the one hand, although institutions responsible for environmental governance were «in place», they did not have sufficient administrative capacities and competent staff; on the other hand, Serbia needed to establish an «effective and permanent funding system», i.e., a Green fund that would be dedicated to environmental programmes and projects. Two other aspects were pointed out in the Screening Report. First, environmental legislation needed to be further integrated into all relevant policy areas, such as agriculture or spatial planning policies; consequently, cooperation across ministries, other competent authorities and key

³² The approximated costs include capital expenditures and replacement and maintenance costs, operating expenditures, and costs associated to administrative staff and structures.

stakeholders had to be reinforced. Second, Serbia needed to increase the level of public-sector involvement in environmental governance, thus improving access to information, consultations and participatory processes in decision making.

Concerning the specific sub-sector of nature protection, the Commission recognised that there were «significant gaps» in transposition, and the implementation of nature protection legislation was still at an early stage (European Commission 2016, 23). On the preparation of the ecological network NATURA 2000, the EU noted that the institutional framework needed to be improved and provided with the necessary financial means. The main limit for the designation of future NATURA 2000 sites regarded the lack of scientific data on the state of nature; the Commission requested that «more input should be put on collecting the data about the distribution of habitats and species to underpin the draft national list of SCIs under the Habitat Directive and to designate SPAs under the Birds Directive» (European Commission 2016). Finally, it underlined that an important lack of resources and administrative capacities also posed serious constraints on the implementation of the Nature Directives.

Since the 2016 Screening Report, the European Commission has issued four Progress Reports to evaluate Serbia's integration process³³. Although some progress has been made, especially in filling the gaps in transposition, the shortcomings outlined in the Screening report still represent important obstacles for the complete adoption of the environmental acquis, especially those concerning financial resources and administrative capacities of public authorities.

The main development of the last year is the adoption of the negotiating position on (former) Chapter 27 by the Serbian Government (European Commission 2020e). The next step before the opening of negotiations on this chapter is the adoption of the Common Position by the EU, in which it will establish core objectives, priorities and closing benchmarks. The Commission warns that Serbia made little progress in 2020 on environmental matters. It expresses serious concerns about the financial sector: the budget for environmental governance has been reduced by 25% due to the Covid-19 emergency, and the Green Fund, which was established in 2016 and should have become operational in 2017, is still not functional. In addition, the income generated from environmental fees

³³ The Progress Reports were published in 2016, 2018, 2019 and 2020.

is not earmarked for environmental purposes, and it is diverted to other policy areas. The EU also warns that local capacities on environmental fees collection need to be strengthened to improve the implementation of the “puller pays” principle. Cross-sectoral cooperation remains weak and environmental measures, including the environmental impact assessment procedure, should be further integrated into different policy areas. On nature protection, the report informs on remaining gaps in transposition, especially of the Birds Directives when it comes to hunting of protected species. The commission underlines that more effort is needed to accelerate the establishment of the ecological network NATURA 2000, focusing on the improvement of administrative capacities and staffing at the central and local level. Finally, the Commission also notes that public participation procedure should be strengthened: for example, it suggests that public authorities should allow enough time for public consultations on legislative acts.

After describing the legal and institutional framework for environmental protection in Serbia, I now turn to the central topic of this research, i.e., the participation of CSOs in environmental governance and, in particular, in the implementation of the EU Nature Directives and the ecological network NATURA 2000.

3.4 Environmental civil society participation in the implementation of the EU Nature Directives

In this section, I will analyse the role of CSOs in environmental governance with specific reference to the implementation of NATURA 2000. Drawing on the findings of the interviews that I have conducted with some representatives of environmental CSOs, I will try to outline the main challenges for the implementation of EU environmental legislation and the emergence of participatory processes. Before doing this, I will briefly present the state of Serbian environmental civil society.

3.4.1 Environmental civil society in Serbia

A notable number of CSOs in Serbia deal with environmental matters today. Several ENGOs began their activities as part of the pro-democratic and anti-Milošević movements of the 1990s.

Due to the 1990s and 2000s international donors' agendas that have mainly focused on human rights protection and minority rights, environmental CSOs are relatively weaker than their counterparts in those areas. The latter thus remained less developed and less politically influential (Fagan and Sircar 2015, 119). Nevertheless, in the latest years and thanks also to an increased public interest in environmental matters, the position of ENGOs has gradually improved, and thanks to their improved organisation in coalitions and networks, they have become more influential vis-à-vis public institutions.

The number of ENGOs has significantly increased since 2000 (REC 2015). In the fifteenth edition of the '*Database of Environmental NGOs in the Republic of Serbia*', published in 2018, the Ecological Movement of Odžak gathered partial or complete information on 5180 organisations working in the field of environment protection. Interestingly, there is one CSO involved in environmental matters in almost every city of Serbia (REC 2015). Environmental organisations tend to be concentrated in large urban centres, especially around Belgrade and Novi Sad, the capital city of the Autonomous Province of Vojvodina. Environmental CSOs are mostly small local organisations with limited staff and budget: the research carried out by the REC shows that in 2015 the majority of the environmental CSOs had an annual budget lower or equal to 10.000€. These organisations are usually financed by public funds from local, provincial and state governments and implement small projects at the local level. Almost 13% of ENGOs in 2015 had an annual budget higher than 50.000€ and sometimes higher than 100.000€. These are the largest and most developed organisations which usually apply for international grants and implement programmes and projects at the national level.

Not a lot of NGOs deal exclusively with environmental issues (REC 2015). Most of them engage with different policy areas, such as welfare or economic development, which nonetheless directly or indirectly include aspects related to environmental protection. Moreover, the fact that international donors have increasingly included environmental requirements in their granting opportunities has led almost every civil society sector in Serbia to engage with environmental matters (REC 2015). Specialised ENGOs are usually run by professionals and experts in specific fields, such as the protection of endangered species and habitats or water managements (REC 2015). As of 2015, 6% of specialised environmental CSOs were engaged in the field of nature protection and biodiversity, 48% in air quality/pollution and 41% in water quality/pollution. In 2019, 24% of total CSOs

in Serbia were involved in environmental work, and for 14% of them, education, research, and environment were their primary field of work (SDC 2019). Indeed, most CSOs dealing with environmental issues are involved in educational activities on sustainable development and environmental protection. The most common activities carried out by such organisations include awareness-raising campaigns, media campaigns and provision of information through different channels. A considerable share of ENGOs is engaged in training and capacity building activities (58%), especially for skills connected to project cycle management and EU-funding. Almost half of the CSOs that were included in the 2015 REC research carried out lobby activities with decision-makers: 65% of them tried to establish dialogue and cooperation with local authorities, while only 38% with national authorities. Usually, small and medium organisations cooperate with authorities at the local level, while larger organisation dialogue with national institutions and representatives of international bodies, mostly from the EU or the UN. Most organisations also seek to join networks and create partnerships with other CSOs to implement projects and increase the effectiveness of their activity with the general public and strengthen their position vis-à-vis decision-makers. Many NGOs, especially the most established ones, also participate in regional and European networks.

Finally, in recent years environmental matters, increasing media coverage of environmental issues and growing public awareness have helped to bring environmental matters to the forefront of the public debate. Besides the manifestations for free elections and media freedom that took place in summer 2020, all the major recent public manifestation had an environmental character. Grass roots organisations and social movement advocating for environmental protection have emerged, and a growing number of young people find in environmental activism an alternative way to participate in the public life of their communities (Vukelić and Stanojević 2012).

3.4.1.1 Regional networks of environmental CSOs from the Western Balkans

To increase their leverage vis-à-vis public institutions, environmental CSOs have gathered in regional and national networks.

At the regional level, the ENV.net network was established through the project “ENV.Net Factoring the Environmental Portfolio for WB and Turkey in the EU Policy Agenda” co-funded through the Instrument for Pre-accession Assistance (IPA) of the European

Commission between 2011 and 2020³⁴. In 2011 the partner leader of the project was the Italian organisation *punto.sud* based in Milan; at the beginning, the network involved the European Environmental Bureau from Brussels and four environmental organisations from Serbia, Kosovo, Albania and Turkey: Environmental Ambassador for Sustainable Development (Serbia), Advocacy Training Resource Centre (Kosovo), Co-PLAN Institute for Habitat Development (Albania) and TEMA (Turkey). The project has developed over three phases: the first two from 2012 to 2016 and the last one from 2017 to 2020. Over the years, the network has enlarged to involve other countries³⁵ and today it gathers one environmental organisation from each WB country - plus Turkey – and the two aforementioned EU-based organisations (Table 6).

Table 6. CSOs participating in ENV.net.

Organisation	State
4x4x4 Balkan Bridges	North Macedonia
Advocacy Training Resource Centre	Kosovo
Co-PLAN, Institute for Habitat Development	Albania
Environmental Ambassadors for Sustainable development	Serbia
European Environmental Bureau	Belgium
Green Home	Montenegro
LIR Evolution	Bosnia Herzegovina
Punto.sud	Italy
TEMA	Turkey

The project's overall objective was to support environmental policy-making in all partner countries and improve the implementation of EU environmental standards within the framework of accession negotiations. The current project manager for the Italian organisation *punto.sud* has explained that during the first phase, the project aimed at building mutual trust among all the participants: focusing on common objectives such as climate mitigation and environmental protection helped going beyond historical national

³⁴ ENV.net was built on the previous Environmental Forum created between 2009 and 2011 as part of a project implemented by the Italian organisation *punto.sud* and a group of environmental NGOs from Croatia, Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo Turkey.

³⁵ At the end of the first phase in 2013 the organization 4x4xe Balkan Bridges from North Macedonia joined the network and at the end of the second phase in 2016 the network was finally completed with the involvement of association Green Home from Montenegro and LIR Evolution from Bosnia Herzegovina.

oppositions which in turn allowed the creation of a solid regional network that could become a leading actor in the discussion on environmental and climate change issues not only at the WB, but also at the EU-level (Interview with the Project Manager from punto.sud, 17.12.2020, and Interview with the President and a representative of Environmental Ambassadors for Sustainable Development, 22.12.2020). More concretely, activities focused on horizontal legislation, climate change and water quality: the organisations carried out an in-depth analysis of their national environmental legislation to assess the level of compliance with EU law and to detect any legislative or implementation gaps (Interview with the Project Manager of punto.sud, 17.12.2020). The output of these activities were bi-weekly bulletins that each organisation sent to a list of stakeholders, including local, regional, and national authorities and media. Alongside the national ones, the network also prepared regional bulletins to provide a transnational overview of the development in the region. In addition, to monitor horizontal legislation, NGOs also analysed and reviewed EU progress reports. Part of the activities also included the preparation of position papers on a specific environmental issue. Finally, in the third phase, which ended in December 2020, the work of the network has been dedicated to circular economy and has fostered the exchange of best practices from an old member state, i.e., Italy – which is a top European performer in terms of circular economy – and candidate countries (Interview with the Project Management of punto.sud, 17.12.2020).

Since 2011 ENV.net has achieved successful results in fostering environmental governance in the WB and empowering environmental CSOs. According to punto.sud Project Manager, the biggest success has been the creation of a regional network that now gathers all WB countries (plus Turkey), which can speak with one voice on environmental matters at the EU level. The European Commission now recognises the network as an important partner, particularly for the collection of information about the environment and the accession process (Interview with the Project Management of punto.sud, 17.12.2020). While gaining a voice at the European level, the network has also been able to reach the grass-root level in participant countries: indeed, thanks to a sub-grant scheme, the organisations from each country were able to involve smaller and local organizations in some project activities (Interview with the Project Manager from punto.sud, 17.12.2020).

The Italian project manager stressed that CSOs play a key role in strengthening environmental governance in candidate countries for two main reasons. On the one hand, thanks to advocacy activities, CSOs can simplify complex environmental issues and make them accessible to the wider public; by providing citizens with accessible information, CSOs contribute to creating a critical mass able to participate in the public debate about environmental issues. On the other hand, they can dialogue with public authorities, act as watchdogs for compliance and pressure them to properly implement EU legislation (Interview with the Project Management of punto.sud, 17.12.2020).

Finally, it is worth pointing out that the participation of two associations based in EU member states, i.e., punto.sud from Italy and the European Environmental Bureau from Belgium, has been paramount for the network's success. On the one hand, as the partner leader of the first two phases of the project and a competent organisation in international cooperation and euro-planning, punto.sud has provided the necessary project management competencies concerning, for example, financing and reporting tasks, while at the same acting as a neutral actor able to coordinate the participant organisations and help them go beyond historical national oppositions and focus exclusively on transnational environmental challenges. On the other hand, the involvement of the European Environmental Bureau has guaranteed a direct link to the European Commission, which has been paramount to increase the power and the leverage of the network at the EU-level (Interview with the Project Management of punto.sud, 17.12.2020).

Environmental Ambassador for Sustainable Development (EASD) is the Serbian association participating in the network. It is mostly focused on education and research, but it also engages in evidence-based advocacy, consultancy, and the promotion of natural and cultural values connected to sustainable development and climate change. Within the ENV.net project, EASD has carried out advocacy activities by preparing and publishing information and position papers on issues such as waste management, air quality and circular economy. One of the latest position paper published in 2020 precisely regarded the new enlargement methodology and Cluster 4 on the Green Agenda and Sustainable Connectivity. During the last months of 2020, EASD was engaged in education and raising awareness activities on the importance of environmental protection in collaboration with some schools and local communities (Interview with the President and

a representative of Environmental Ambassadors for Sustainable Development, 22.12.2020).

In addition to ENV.net, in 2016 the project ORF Biodiversity implemented by the German Corporation for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ) has favoured the creation of Bio.Net, a regional network that gathers ENGOs from the Balkans countries to strengthen their role in nature protection and biodiversity policies. The main areas of intervention include communication and education on nature protection and capacity building activities, e.g., seminar, training and conferences aimed at strengthening the operational skills of the network members. One of the pillars of the network work is the cooperation with all relevant stakeholders, which include governments, public institutions, media and other CSOs. Two of the most influential Serbian organisations working on NATURA 2000, i.e., the Bird Protection and Study Society of Serbia (BPSSS) and the Young Researchers of Serbia (YRS) are active members of this networks. In 2019, for example, YRS took part in several meetings and training sessions, and it also participated in the drafting of the BioNet joint position on biodiversity protection and BioNet strategic planning (Young Researcher of Serbia 2020).

3.4.1.2 National networks of ENGOs

At the national level, Serbian environmental CSOs have gathered in two major networks: the Green Chair and Coalition 27.

The Green Chair is the only institutionalised mechanism that allows the permanent participation of representatives from ENGOs to the work of the Committee on Environmental Protection of the Serbian National Assembly. The mechanism was introduced in 2013, and it now involves more than 50 ENGOs (Green Chair 2020). Members of the Green Chair can attend the sessions of the Committee, participate in the debates and provide comments and recommendations. Thus, the mechanism creates a direct channel for communication through which ENGOs can bring their interests and concerns to the attention of the Members of the Serbian Parliament (Green Chair 2020).

Serbian Environmental CSOs that deal with EU accession negotiations on the environmental chapter have also formed the very influential national network called Coalition 27. The idea to create a network of ENGOs dealing with the accession process

came in 2014 from a group of NGOs that noticed that negotiations on the environmental chapter were not receiving enough attention and that there was an urgent need to increase the level of public information and participation in the monitoring of the governmental work (Interview with a representative of Young Researchers of Serbia, 29.20.2020). Today, the Coalition gathers nine environmental CSOs engaged in different environmental policy sectors (table 3).

Table 7. Members of Coalition 27.

Source: <https://www.koalicija27.org/en/members/>

Civil Society Organisation	Main Policy Area(s)
Belgrade Open School	<ul style="list-style-type: none"> • Good governance • Energy, Climate and Environment • European integration • Youth policies • Education reform
Bird Protection and Study Society of Serbia	<ul style="list-style-type: none"> • Study and protection of birds and their habitats • Public education • International cooperation
Climate Action Network (CAN) Europe	<ul style="list-style-type: none"> • Climate change and renewable energy • Climate finance and development
Environment Improvement Centre	<ul style="list-style-type: none"> • Sustainable development
Environmental Engineering Group	<ul style="list-style-type: none"> • Sustainable development • Circular economy
One Degree Serbia	<ul style="list-style-type: none"> • Climate change mitigation and adaption
Safer Chemicals Alternative	<ul style="list-style-type: none"> • Sustainable development • Chemical safety management
Young Researchers of Serbia	<ul style="list-style-type: none"> • Environmental protection • Nature protection and biodiversity • Water protection and management • Volunteering • Environmental education

World Wide Fund (WWF)	<ul style="list-style-type: none"> • Biodiversity conservation • Conservation and sustainable use of natural resources • Climate change
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Coalition 27 was thus created for a dual scope: on the one hand, to encourage public participation in environmental governance and, on the other hand, to strengthen the monitoring of the accession negotiations on the environmental chapter. The Coalition engages in advocacy and lobby activities through different means, e.g., by analysing laws and documents and sending recommendations and opinions to competent public authorities or by publishing position papers and organising media campaigns to keep the public well informed. The main output of the activities of Coalition 27 is the *Shadow Report*, which is published every year following the Annual Report of the European Commission and provides comprehensive insights from ENGOs into the state of the negotiations on (former) Chapter 27. The Report informs on the main achievements related to the environmental chapter and includes recommendations and suggestions for further improvement. Every year the Shadow Report is sent to the relevant institutions in Serbia and at the EU level. The coordinator for the enlargement sector in DG ENV participated in the presentation of the latest shadow report in October 2020, demonstrating that the work of the Coalition has resonance also at the European level. According to the representative of the NGO Young Researchers of Serbia also international donors involved in cooperation projects with Serbia have welcomed with enthusiasm the creation of Coalition 27 and the publication of the Shadow Report, as it is the only document where they can find comprehensive information on all sectors concerning negotiations on Chapter 27 (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

The latest report, ‘Walking in the mist,’ was published in 2020 and covers the time frame from March 2019 to February 2020. Nine thematic areas are addressed: horizontal legislation, air quality, waste management, water quality, nature conservation, chemical management, noise and climate change. The name already alludes to the key message of the report: decision-making processes in the field of environmental protection and climate change are still not transparent, and civil society still encounters serious challenges in accessing to relevant information and participating in policy-making processes (Coalition

27 2020, 7). The process of negotiations on chapters 27 remains mostly opaque, with few possibilities for environmental CSOs, to systematically monitor the process and contribute to it (Coalition 27 2020, 7). As I will discuss in the last section of this chapter, the representatives of ENGOs that I have interviewed agree with this conclusion and consider public participation in environmental governance still insufficient. Before discussing the results of the interviews, in the next section, I will focus on NGOs that are directly involved in the work on the Nature Directives and NATURA 2000.

3.4.2 Environmental civil society and NATURA 2000

The implementation of the Birds and Habitat Directives and the creation of NATURA 2000 is at an early stage in Serbia: indeed, the government is still in the initial phase of selecting potential NATURA 2000 sites.

Long before officially starting to work on the Nature Directives, Serbia had implemented several projects that laid the basis for future work on NATURA 2000.

Two projects have been particularly important: the project on the '*Establishment of EMERALD network*' and the project on the designation of '*Important Birds Areas (IBAs)*'. On the one hand, creating the EMERALD ecological network helped public institutions and NGOs develop skills and methodologies that would be useful for future work on NATURA 2000. On the other hand, the identification of IBAs, which started in the 1980s and continued until 2009, provided a good basis for the definition of SPAs in compliance with the Birds Directive.

The work to establish NATURA 2000 in Serbia started with the '*Twinning project – Strengthening Administrative Capacities for Protected Areas in Serbia*' which was financed through the Instrument for Pre-accession Assistance (IPA) for a total amount of €1 million and was implemented by the Delegation of the EU in Serbia between 2010 and 2011. The project aimed at building and strengthening capacities for competent bodies at the central and local level to implement the nature protection acquis, and especially to improve the protection of endangered species and habitats according to the provisions of the Birds and Habitat Directives. Among the objectives of the project, there were: a) decision on the establishment of the NATURA 2000 network, b) identification of investment projects for management of protected areas and NATURA 2000 network, c)

raising public awareness and training on the importance of protection of nature and biodiversity. The project not only addressed public authorities but all the stakeholders involved in nature protection, including NGOs; one of the expected results was indeed to increase «the capacities of key stakeholders to enforce nature protection legislation in Serbia» (Young Researchers of Serbia 2010). To this end, training and seminars on nature protection for public administration staff, academia and NGOs representatives, experts and professionals were organised. In addition, experts from different EU member states, e.g., Austria, Germany, Czech Republic, Slovenia and Hungary, collaborated with local representatives of public administration and stakeholders to exchange knowledge and best practices on nature protection (Young Researchers of Serbia 2010).

Alongside the IPA project, in the same year, a regional project was implemented by WWF Adria in collaboration with the NGOs Young Researchers of Serbia and Green Home. The project '*Strengthening the capacity of Governments and civil sector in Serbia and in Montenegro to adapt to EU Nature Protection Aquis*' was funded by the Norwegian government and aimed at building capacities of the governmental sectors in Serbia and Montenegro and at strengthening the role of NGOs in nature protection policy. It included activities such as workshops, training and study visits to Brussels. One of the results of this project has been the creation of the 'Natura 2000 resource centre', which gathered 55 Serbian NGOs involved in nature protection activities. According to the representative of the NGO Young Researchers of Serbia, the network was very active at the beginning, especially regarding capacity building on NATURA 2000. Yet, since 2012, due to a lack of funding, the network has been more passive, although member associations kept in contact with each other throughout the years and continuously updated each other on their work through emails and newsletters (Interview with a representative of Young Researchers of Serbia, 29.10.2020). Members of the network are planning to restart their work on NATURA 2000 next year to implement small-scale projects (Interview with a representative of Young Researchers of Serbia, 29.10.2020). Another important result connected to the creation of the network has been the opening of the blog NATURA 2000 in the Western Balkans through which the member NGOs contributed to spreading information and raising awareness on biodiversity issues and NATURA 2000 among the different stakeholders and the wider public. The blog was successful: from 2009 to 2012,

more than 200 articles on biodiversity and NATURA 2000 were published, and more than 5000 people from 35 countries had visited the site (WWF 2012).

The initial work on the establishment of NATURA 2000 thus focused on two main activities: building capacities for all governmental and non-governmental actors involved in nature protection and raising awareness among stakeholders and citizens on biodiversity and nature protection. Overall, the beginning of the process was good, and there was widespread enthusiasm, especially among the NGOs involved (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

In 2012 a change in the Serbian government, and consequently in the Ministry of Environment, the Institute for Nature Protection and the Serbian Environmental Protection Agency, caused a slowdown of the entire process. Nonetheless, the EU has continued to support the work on the environmental acquis and NATURA 2000 with other IPA projects³⁶. The latest one is called 'EU for NATURA 2000 in Serbia'. It is a two-year project implemented by the Eptisa Southeast Europe from Spain, DAPHNE – Institute of Applied Ecology from Slovakia and the SIA Estonian, Latvian and Lithuanian Environment in cooperation with the Serbian Ministry of Environmental Protection and the Institute for Nature Conservation of Serbia, which are also the main beneficiaries. EU contribution amounts to €1.589.100,00. The project aims at achieving five results. The first one is the identification and designation of SPAs and SCIs that will be part of NATURA 2000; fieldwork and mapping activities have been carried out to gather data according to Annexe I and Annexe II of the Birds and Habitats Directives. The final output of the data analysis will be the list of sites and species that will be proposed for NATURA 2000. The second result regards the development of an IT system, e.g., an online database of all the gathered data that will help the future management of selected sites and a GIS system, i.e. a mobile application to register and update data on the field. According to the project manager of EPTISIA, Serbia has already a good methodology for field mapping of endangered species, but the situation is different when it comes to

³⁶ The main NATURA 2000-related IPA projects have been: the project 'Capacity Building for the implementation of the Acquis standards in the field of nature protection – Establishment of NATURA 2000 sites including the equipment and software for Serbia (2015-2017); the project Establishment of an ecological network in the Republic of Serbia (2015-2020) and the project 'Continued support implementation of Chapter 27 in the area of nature protection (NATURA 2000)'.

botanic or phytosociological work on habitats. The methodology for mapping habitats is somehow different from that used for species, and it is generally something new for every country that starts working on that. Hence, the project focuses on field mapping of habitats to develop the necessary skills. The other three expected results of the project are full harmonisation of nature protection legislation with EU standards, capacity building for future managers of sites, elaboration of management plans and finally, communication campaigns to spread information about nature conservation and the importance of NATURA 2000 among the Serbian society. The project started in May 2019 and should finish in Spring 2021, but given the stop imposed by the covid-19 emergency, it has been extended at least until June/July (Interview a team expert of the project NATURA 2000 in Serbia, 24.11.2020). Although the project is coordinated by international agencies, it also involves local stakeholders and personnel. The project team comprises 25 people: 4 of them are experts from EU member states, while the rest of the team is composed of Serbian experts in different fields, from layers to communication experts and professionals engaged in field mapping. While the project is successful in involving ENGOs that work at the national level, such as the Bird Protection and Study Society of Serbia, the NGO Young Researchers of Serbia and the WWF Adria, it has not managed to reach smaller organisations that are usually engaged at the local level (Interview a team expert of the project NATURA 2000 in Serbia, 24.11.2020).

The three aforementioned organisations are among the most influential ENGOs in the work on NATURA 2000.

The Bird Protection and Study Society of Serbia

The Bird Protection and Study Society of Serbia (BPSSS) is the key actor for implementing the Birds Directive. It was founded in 1989 in Novi Sad, in the North of the country, and it is the largest nature conservation organisation that is not based in Belgrade. Today the team is composed of 15 members, and while the headquarters remains in Novi Sad, the Society has an office in Belgrade and is planning on opening a third one in the Eastern region of Serbia (Interview with the Executive Director of the BPSSS, 20.11.2020). The work of the Society has three main pillars: research, conservation, and education. Since the first days of the organisation, activities have focused on data collection on wildlife, especially on birds: data collected are then used for conservation purposes to help restore birds' habitats and preserve endangered species.

Part of the BPSSS activity is also dedicated to the promotion of ecotourism. The organisation is part of the BirdLife International network, which gathers more than 100 NGOs working on birds protection and biodiversity worldwide. Besides being important in terms of conservation and protection, the activities of the Society also influence the policy work concerning nature protection. The BPSSS has the most open and constructive cooperation with the Institute for Nature Conservation of the Autonomous Province of Vojvodina. Since they are both located in Novi Sad, the two bodies have been working side-by-side for many years, which contributed to creating personal links and friendships among the working staff. The BPSSS is also the main interlocutor of the Institute of Nature Conservation located in Belgrade. As the Institute lacks competent staff – it only employs five ornithologists – and resources, the BPSSS plays a central role in gathering and providing data on birds, endangered species, and their habitats. Yet, the cooperation between the BPSSS and public institutions, including the Institute of Nature Conservation, is not always smooth and satisfactory. According to the Executive Director of the BPSSS, this is mostly due to the fact that public institutions are often under pressure from different interest groups, including political and economic lobbies whose activities clash with nature conservation aims (Interview with the Executive Director of the BPSSS, 20.22.2020). The designation of the internationally IBAs is a good example of that. Until 2019 governmental bodies were the only actors involved in the designation of the network, and they identified only 43 IBAs, which covered around 14% of the Serbian territory. In 2019 the BPSSS, as a partner of the Institute for Nature Conservation, took over the designation process and proposed a new list of IBAs which was significantly larger than the previous one: it included 79 sites covering 29% of the national territory (Interview with the Executive Director of the BPSSS, 20.22.2020). The enlargement of the IBAs network has been an important success for the BPSSS, and it demonstrates that the Society has the power to influence the governmental decisions regarding nature conservation policy: as the Executive Director of the BPSSS underlined: «the government cannot play outside our rules anymore» (Interview with the Executive Director of the BPSSS, 20.11.2020).

Young Researchers of Serbia

Another relevant ENGO engaged in activities connected to NATURA 2000 is the Young Researchers of Serbia (YRS). Originated from the Young Researchers Movement of the late 1960s, the YRS celebrated its jubilee in 2019. The association is based in Belgrade, and it involves more than 3000 members, mostly young people aged 15-30. The activities focus on three sectors: environmental education, promotion of voluntary service³⁷ and environmental protection and conservation. YRS is also involved in the implementation of international conventions on environment protection, i.e., the Convention on Biodiversity and the Aarhus Convention. In this regard, in 2019, it implemented the project 'Strengthening Aarhus Convention Implementation' with the support of the OSCE Mission to Serbia (Young Researchers of Serbia 2020). During the project, YRS organised a series of consultations to strengthen citizens' participation in the amendment of environmental law, i.e., the Law on Environmental Impact Assessment and in the adoption of implementation plans, such as local and national waste management plans (Young Researchers of Serbia 2020).

Environmental protection policies are a priority for YRS. Their involvement in the work on NATURA 2000 establishment started already in 2009/2010 when the association actively participated in capacity building activities organised in the framework of the IPA Twinning Project implemented by the EU Delegation in Serbia (Interview with a representative of Young Researchers of Serbia, 29.10.2021). At the same time, in partnership with WWF Adria, the YRS implemented a regional project on NATURA 2000, which was also based on capacity building programmes for governmental bodies and NGOs. In the first years of activities (2009/2010/2011), the association took part in several workshops, training and study visits to Brussels, and it joined the NATURA 2000 Resource Centre network, of which it is still a member. Finally, in 2019 the YRS became a member of the supervisory board of the project 'EU for NATURA 2000 in Serbia'. In the latest year, the activities promoted by the association have focused on two dimensions: on one side, YRS promoted environmental education through training, seminars, online courses, and dissemination of educational materials, while on the other hand, it organised activities in protected areas during volunteering workcamps (Interview with a

³⁷ Together with national voluntary service, YRS is a founder of the South East European Youth Network and it organises international volunteering exchanges to foster reconciliation in the region.

representative of Young Researchers of Serbia, 20.10.2020). One of the projects implemented in 2019 is 'Volunteers for Nature', which was co-funded by the Ministry of Environmental Protection and aimed at strengthening the protection of nature through the cooperation of CSOs with managers of protected areas (Young Researchers of Serbia 2020). The main activities, which took place in the protected area around the River Gradac in Western Serbia, included dissemination of information to visitors on the gorge of the river and cleansing activities (Young Researchers of Serbia 2020). Together with the Belgrade Open School and Environmental Engineering Group, it will start a new project called 'Green Incubator', which is supported by the EU and aims at strengthening monitoring activities on negotiations on (former) Chapter 27 at the local level.

Besides promoting capacity building, education, and volunteering, YRS also engages in advocacy work on environmental issues. In 2019 it participated in more than 20 public hearings, meetings and conferences and sent more than 50 recommendations to institutions for better implementation of policies in the field of horizontal legislation, water, and environment protection (Young Researchers of Serbia 2020). In collaboration with the Aarhus Centre New Belgrade, the YRS organized consultations with stakeholders on the amendments to the Law on Environmental Impact Assessment and the Draft Law on Liability for Environmental Damage, and a representative of the association also participated in the working group that drafted the strategic document 'Draft Nature Conservation Programme of the Republic of Serbia 2019-2025'. Although CSOs were able to provide inputs and give opinions, in the end, they lamented that the final document was too much a 'copy and paste' of the previous programme (Interview with a representative of Young Researchers of Serbia, 29.10.2020). According to the interviewee, the main problem concerning the drafting of the Programme regarded the lack of updated data (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

The YRS actively participates in environmental governance through different institutional channels: together with the Centre of Modern Skills and the Belgrade Fund for Political Excellence, it coordinates the Green Chair mechanism and is also a member of the working group 27 of the National Convention on the EU. In addition, it is one of the founding members of Coalition 27. In 2019 some representatives of YRS took part in

the working group for the adoption of the negotiating position on chapter 27. However, when the final document was sent to the European Commission in January 2020, they were not able to see it, so they do not know whether their recommendations and opinions were considered or not (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

Finally, the YRS participates in several regional and European networks dedicated to nature protection and NATURA 2000, e.g., the *Environmental Forum* –the precursor of ENV.net –, *BioNet* and *CEEweb for Biodiversity*. Participation in such networks is paramount for the association, as the collaboration with other NGOs that have already worked on NATURA 2000 for many years favours the exchange of knowledge and experiences (Interview with a representative of Young Researchers of Serbia, 29.10.2020). The participation in the (former) Environmental Forum, which organised annual meetings held in Brussels, also allowed the YRS to create direct links with EU actors, in particular the DG ENV of the European Commission (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

WWF Adria – Serbia

The third environmental CSOs engaged with NATURA 2000 at the national level is WWF Adria. It was established in 2015 as part of the WWF global network to work in the Balkan region³⁸. In Serbia, it has built a strong and solid collaboration with the Young Researchers of Serbia, with whom it started to work on NATURA 2000-related projects in 2009/2010. In 2009 it also signed a Memorandum of Understanding (MoU) with all the members of the network NATURA 2000 Resource Centre. Currently, WWF Adria is part of the supervisory board for the ongoing IPA project ‘EU for NATURA 2000 in Serbia’. Regarding this project, WWF Adria does not provide data but is more engaged in management planning and consultative processes with other relevant sectors and stakeholders (Interview with a representative of WWF Adria, 09.11.2020). At the same time, it is implementing another project called ‘Protected Areas for Nature and People’. The main objective of the project is to improve the management of protected areas and to strengthen civil society and local communities participation in four countries of the

³⁸ WWF Adria works in Albania, Bosnia Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Slovenia and Serbia.

region: Bosnia Herzegovina, North Macedonia, Kosovo, and Serbia. To this aim, WWF Adria is working at different levels: on one side, at the policy level, it is engaged in lobby activities to improve the legislation on public participation, while on the other side, it is working on the field with protected areas managers and help them organise and run stakeholders' councils. Moreover, it also dedicates to the education and empowerment of CSOs and local communities to help them engage in some activities related to protected areas management, e.g., monitoring and reporting activities. Like the Young Researchers of Serbia and the Bird Protection and Study Society of Serbia, WWF Adria is a member of Coalition 27 to do advocacy and monitoring on the EU environmental chapter, and it also participates in the working group 27 of the National Convention on the EU.

The experiences of these three organisations demonstrate that alongside governmental institutions such as the Institute for Nature Conservation, ENGOs also play a key role in the implementation of the Nature Directives and NATURA 2000. Yet, there are still several challenges that hinder full compliance with European standards. In the following section, I will present the main challenges identified by the representatives of some of the major environmental CSOs in Serbia.

3.4.2.1 Challenges for the implementation of the Nature Directives and NATURA 2000

All the three representatives of the BPSSS, the YRS and WWF Adria, agreed that Serbia has achieved a good level of transposition of EU nature protection legislation. Although there is still some space for improvement, especially concerning the Birds Directives, most of the provisions from the Birds and Habitats Directives have been incorporated into the Law on Nature Protection. Hence, legislative transposition is not the main concern for the establishment of NATURA 2000. The problem is rather the implementation of such provisions. All three representatives have pointed out that there is an *implementation gap* that is significantly slowing down the entire process related to nature protection policy and NATURA 2000. They have identified several reasons to explain such a gap.

From a technical point of view, the implementation of the Birds and Habitats Directives requires specific skills and resources to do field mapping and to gather data on a large scale to identify SPAs and SCIs. The fact that public administration lacks such skills and resources means that updated data are either missing or not available (Interview with a

representative of WWF Adria, 09.11.2020). While the BPSSS has played a paramount role in providing the data needed to select the SPAs under the Birds Directive, data to identify the SCIs under the Habitat Directives have been more difficult to find. The representative of WWF Adria stated that year-long negotiations with data-holders such as the Institute of Biology of the University of Belgrade or the Museum of Natural History of Belgrade caused a significant delay in the work on NATURA 2000: «data were there, but we could not use them without the consent of the institutions, and that really slowed down the entire process» (Interview with a policy officer of WWF Adria, 09.11.2020). The unavailability of updated data on flora and fauna means that policy plans and programmes are often based on old and partial data, which necessarily undermines their effectiveness and efficiency: «It's like when you want to build a house, and you have the map, but you lack all the material: you cannot build anything, it is not possible at all» (Interview with the team leader of the project NATURA 2000 in Serbia, 24.11.2020).

Other challenges to the creation of the ecological network NATURA 2000 come from interest groups and lobbies that feel that their activities and their socio-economic interests are threatened by the establishment of protected areas, e.g., land users, farmers or the hunting lobby. For the BPSSS, one of the main challenges precisely comes from the hunting lobby. For example, the Executive Director of the BPSSS recalled a case concerning the hunting ban on turtle doves which it proposed in 2015. The hunting lobby strongly opposed such a proposal, arguing that the ban would have a negative economic impact by preventing hundreds of hunters from abroad – mostly from Italy – to come to the country. This position was also endorsed by the Prime Minister of the time, i.e., current President Vučić, who during a speech in the Serbian parliament claimed that he was ready «to sacrifice the turtle doves» if their hunting allowed Serbia to attract hunters and money from abroad (Interview with the Executive Director of the BPSSS, 20.11.2020). As a reaction to such argumentation, the BPSSS produced a documentary to prove that the economic benefits deriving from such «hunting tourism» were «nonsense» and that the costs in terms of biodiversity protection were much higher. Thanks to wide media coverage of the issue and considerable support by the public, the BPSSS pressured the government to finally include the turtle dove on the list of protected species. For the Executive Director, this is an example of the successful work of the Society, who was

able to defend nature protection ambitions against the economic interests of other groups (Interview with the Executive Direction of the BPSSS, 20.11.2020).

Regarding conflicts with other stakeholders, the Team Leader of the IPA project “NATURA 2000 in Serbia” recalled the positive experience of the project “LIFE Activa Red Natura 2000 – Natura 2000: connecting people with Biodiversity”, which was carried out in Spain from 2012 to 2017. It aimed at raising awareness and fighting misinformation about NATURA 2000 among the general public, especially among those sectors such as agricultural associations, businesses and hunting groups that were sceptical if not openly contrary to the establishment of the ecological network. As the project was successful in involving different stakeholders and in improving their understanding of the potential socio-economic benefits of NATURA 2000, the Team Leader suggested that Serbia could draw on this positive experience from Spain and consider it for future projects on NATURA 2000 (Interview with the Team Leader of the project “NATURA 2000 in Serbia”, 24.11.2020).

At the public administration level, one of the main reason for poor implementation regards the lack of competent personnel in institutional and administrative bodies. At the national level, the Ministry of Environment protection is understaffed and underequipped to work on all the requirements of the Nature Directives, especially as far as field mapping and data gathering is concerned. For this reason, the Ministry is almost «obliged» to rely on the expertise and resources of the civil sector (Interview with the Executive Director of the BPSSS, 20.11.2020 and with the Team Leader of the project NATURA 2000 in Serbia, 24.11.2020). At the local level, the situation is even more complicated. In most Municipalities, environmental centres are part of other sectors or departments; hence, there are no people who work exclusively on nature protection. In smaller Municipalities, often only one person deals with environmental policy matters, and this person has to manage everything, from water and air pollution policy to nature protection and waste management. As the representative from the YRS pointed out: «It is very unlikely that this person can acquire competent skills and deep knowledge in all these policy sectors» (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

The insufficient level of cross-sectoral cooperation among different Ministries is another issue challenging the full implementation of the Nature Directives. Nature protection is

hardly integrated into the policies of other relevant Ministries such as the Ministry for Agriculture or the Ministry for Energy. An example of that is the lack of a specific rulebook on Appropriate Assessment, which is required under Article 6(3) of the Habitat Directives. Because there is no agreement across the relevant Ministries on the procedures to be adopted for Appropriate Assessment, the rulebook has not been developed yet (Interview with a representative from YRS, 29.10.2020). The Executive Director of the BPSSS also pointed out the insufficient cooperation of the Ministry of Justice: most of the cases of environmental crimes that the BPSSS has brought to the attention of the Ministry, such as cases of illegal hunting or poisoning, have been disregarded and the people responsible of wrongdoings have been left unpunished, which is also a violation of the Aarhus Convention (Interview with the Executive Director of the BPSSS, 20.11.2020). According to the Executive Director of the BPSSS, this example demonstrates that the system for nature protection is still not in place: «there is an urgent need for institutions that understand the problems and the challenges coming from the environment and that are capable and willing to implement and enforce the law, especially when citizens or CSOs report environmental crimes» (Interview with the Executive Director of the BPSSS, 20.11.2020).

All the interviewees agreed that the overarching reason that explains the implementation gap of the Nature Directives is the lack of political will and commitment by national institutions. This argument does not concern nature protection policy only, but it also applies to environmental policy more in general. The interviewees shared the perception that environmental protection is not a political priority for the government and that everything connected to environmental protection is now subordinated to economic development (Interview with the President of Environmental Engineering Group, 03.11.2020). For the Executive Director of the BPSSS, the main problem is that Serbian government is favouring short-term economic benefits deriving from the exploitation of natural values without considering the alarming loss of biodiversity which will have severe consequences for food security, air quality and human health: «all the natural resources are now on sale in this country; they are trying to destroy as much nature as they can to get a little amount of money on the short-term» (Interview with the Executive Director of the BPSSS, 20.11.2020). The President of the Environmental Engineering Group (EEG) added that a clear example that shows that the government does not

consider environmental protection a priority is the fact that «only half of the environmental taxes taken from citizens and the private sectors are invested in environmental protection, while the other money is invested in totally different things» (Interview with the President of the Environmental Engineering Group, 03.11.2020). This issue has also been addressed in the 2020 Shadow Report of Coalition 27: the Report denounced that the Law on Fees for the Use of Public Goods adopted in 2018 has allowed the diversion of environmental fees from environmental protection to other purposes, thus making this economic instrument «pointless» (Coalition 27 2020, 16-17).

3.4.2.2 Emergence of participatory processes in environmental governance?

The lack of political will and commitment to the implementation of the Nature Directives influences the relationship between CSOs and public institutions. From the interviews, it has emerged that although public participation is regulated by the law, there is no structured and transparent mechanism for CSOs involvement in practice. The representative of YRS, for example, has lamented the fact that most of the times, public authorities organise consultations or public hearings with stakeholders and CSOs just to «check a point on a list», but at the end «this is not a real participatory process: often at the end, public institutions decide what they want, without taking into consideration our opinions» (Interview with a representative from YRS, 29.10.2020). A good example in this sense is the experience of WWF Adria with the adoption of the National Strategy for Nature Conservation: while some representatives of WWF Adria participated in the consultations for the drafting of the new Strategy, they never received any feedback on the comments and recommendations they had issued, and when the Strategy was finally published they noticed that it was «a completely different document from the one that we had commented» (Interview with the representative of WWF Adria, 09.11.2020).

Concerning the process of European integration, a significant example that demonstrates that CSOs participation remains opaque is given by the adoption of the negotiating position on chapter 27 by the Serbian government. Representatives from ENGOs were formally involved in working groups engaged in drafting the position, but they had to sign a *confidentiality agreement* where they agreed not to share the information they would receive during the meetings with other colleagues or with the public. More interestingly, none of the representatives from the civil sector could read the final

document that was sent to the European Commission (Interview with a representative of YRS, 29.10.2020 and with the President of the Environmental Engineering Group, 03.11.2020). ENGOs that participated in the working groups brought this issue to the European Commission, but they never received a clear answer: for the European Commission, the adoption of the negotiating position pertains to internal national affairs and as such, it is out of their competence (Interview with a representative of WWF Adria, 09.11.2020). The fact that the negotiating position is still not accessible has created a widespread feeling of frustration among the ENGOs that I have interviewed. The representative of YRS, for example, underlined the right of every citizen to be constantly informed about the process of accession, and she pointed out that, as environmental reforms are very expensive and require significant amounts of investments, «Serbian citizens need to know how public money – their money – will be spent and why» (Interview with a representative of Young Researchers of Serbia, 29.10.2020). As a direct expression of their frustration, the ENGOs of the network Coalition 27 denounced the secrecy of the negotiating position and the lack of transparency in the general accession negotiation in their last Shadow Report, “Walking in the Mist”, which I have previously presented (Interview with the President of Environmental Engineering Group, 03.11.2020).

The mechanism for CSOs involvement in environmental policy is also perceived as problematic: instead of being based on clear rules and objective criteria, CSOs involvement mostly depends on political considerations: for example, when an association starts to openly criticize the work of the government or of some public authorities it is very unlikely that it will be allowed to participate in policy processes (Interview with a representative of Young Researchers of Serbia, 29.10.2020). Environmental CSOs involvement by public authorities also depends on the specific situations and projects. On the one hand, environmental CSOs are hardly consulted when important economic interests are at stake. In the project for the construction of the Chinese Linglong tires factory in Zrenjanin (Northern Serbia), for example, ENGOs were not consulted at all, and, even worse, the construction of the plant started before its EIA was published (Interview with the President of EEG, 03.11.2020). On the other hand, environmental CSOs are much more involved in the implementation of international projects such as the IPA project “NATURA 2000 in Serbia”; the reason for this is that

international donors such as the European Commission usually include civil society participation as a precondition for co-financing the project (Interview with a representative of Young Researchers of Serbia, 29.10.2020).

While cooperation with public authorities is challenging, collaboration at the provincial and local level is somehow better, both because it is easier to establish direct links with the administrative staff and because local officers tend to be more open to dialogue and concerned about environmental problems (Interview with the President of Environmental Engineering Group, 03.11.2020).

Regarding the process of EU integrations and negotiations on the environmental chapter, the representatives of the NGOs that I have interviewed perceive that the EU is not putting enough emphasis on environmental matters in the enlargement negotiations, which they consider to be stuck in Chapter 23 on the Judiciary and Fundamental Rights and 24 on Justice, Freedom and Security and in the normalisation of relations with Kosovo. For the President of the Environmental Engineering Group, at the moment, the environment is not a priority on the enlargement agenda of the EU (Interview with the President of Environmental Engineering Group, 03.11.2020). To give an example, he claimed that the EU is passively watching Serbia implementing projects that are clearly in breach of European environmental standards, such as the aforementioned construction of Linglong Factory in Zrenjanin or the projects for the new coal power plant (Interview with the President of Environmental Engineering Group, 03.11.2020).

Despite this perception, overall, interviewees agreed that European integration has a positive impact on Serbian civil society and on the possibility to participate in public governance. The long process of European integration is stimulating dialogue and openness with institutions; the representatives of the interviewed ENGOs claimed that without the pressure from the EU on governmental actors to involve the civil sector, it would be «very difficult for them to get on the negotiating table» (Interview with the President of Environmental Engineering Group, 03.11.2020). For them, EU support is necessary to guarantee civil society's ability to contribute to environmental governance and have their inputs and recommendations taken as a value.

In December 2020, ENGOs of the ENV.net network and other organisations from the WB, including many NGOs from Serbia, sent a joint civil society statement on the

adoption of the Green Agenda for Western Balkans to representatives of the EU Commission and the Heads of State and Government of the WB countries. In the joint statement, the signatory welcomed with enthusiasm the commitment of the Green Agenda to «raise the ambition for environmental protection and climate action in the region» and added that they are ready to contribute to the implementation of the Agenda by raising public awareness, providing information-based advocacy and by acting as watchdogs for governmental actors. Yet, they also called for increased financial support from the EU to the environmental civil sector in the Western Balkans to allow environmental organisations to play a key role in achieving the objectives of the Agenda and the European Green Deal (European Environmental Bureau 2020).

In line with the experience of former enlargement countries from CEE – which I have discussed in chapter 2 – environmental CSOs in Serbia are mostly involved thanks to their specific knowledge and expertise. As the example of the BPSSS concerning data gathering and field mapping demonstrates, the fact that public institutions lack qualified personnel makes them dependent on the works of CSOs. Besides providing expertise, CSOs play an important role in raising public awareness about environmental issues and in keeping the public informed about environmental challenges. Moreover, some CSOs, such as YRS, WWF Adria, and EEG, try to participate in policymaking through lobby activities, including participation in public hearings and consultations and the preparation of position papers sent to relevant institutions. Similar to what happened in CEECs such as Hungary and Romania, environmental CSOs in Serbia organised themselves in regional and national networks to join their resources and expertise and increase their leverage vis-à-vis public institutions. The best examples at the regional level are the ENV.net network, which is also recognised as an important partner by the European Commission, and the Bio.net network, which gathers nature conservation NGOs from the entire Balkan region. Thanks to the participation in such networks, Serbian NGOs have the possibility to exchange knowledge and good practices, learn from the experiences of other countries and increase their influence at the EU level. On the national level, the most influential CSOs network is Coalition 27, whose main output is the annual Shadow Report on accession negotiations in the environmental chapter. Concerning biodiversity and nature protection, even though it is not active any longer, the network “NATURA

2000 Resource Centre” has favoured the creation of informal but permanent links among several environmental CSOs.

Despite their efforts, the representatives of ENGOs that I have interviewed mostly perceive that their voices are not taken into consideration by public authorities, who, on the contrary, tend to consider civil society involvement as a «tick the box exercise». To recall Natascha Wunsch, we could say that CSOs empowerment of environmental CSOs has stopped at the *procedural* level: the legislative framework for public participation is partially in place, and some institutionalised channels for participation such as the Green Chair mechanisms and the National Convention on the EU are operational, but the lack of political commitment prevents CSOs to influence the decision-making process, thus hampering their *substantial* empowerment.

Conclusion

This research thesis has studied Serbia's path towards European integration, focusing on the adoption of EU environmental norms and the role of CSOs.

After more than 20 years of engagement, today, Serbia is a frontrunner in EU accession negotiations among the countries from the WB. Indeed, ever since the conclusion of the conflicts that tore the WB region apart in the 1990s, the European Union has gradually become the main point of reference for the new countries as they started to recover from the severe consequences of the war. Since the first EU commitment to the integration of the WB at the Thessaloniki Council in 2003, the integration process has proceeded at a very slow pace: only two countries have become member states (Slovenia in 2004 and Croatia in 2013); two have ongoing negotiations with the EU (Serbia and Montenegro); two have received the “green light” to open negotiations only at the beginning of 2020 (Albania and North Macedonia) and finally two remain potential candidates (Bosnia Herzegovina and Kosovo). Although the EU has reiterated its commitment to enlargement several times, the lack of decisive progress and a clear timeframe for accession has caused *enlargement fatigue* among member states which has been mirrored by *reform fatigue* in candidate and potential candidate countries.

The accession process is subject to a strong EU political, economic, and legal conditionality: candidate countries are indeed required to adopt the entire *acquis communautaire*, which has traditionally been divided into 35 negotiating chapters. For the negotiations with Serbia, the EU has focused on the “fundamentals”, i.e., the rule of law, independence of the judiciary and public administration reforms. Moreover, as a response to the unsatisfactory results of executive-driven reforms in CEECs, the EU has gradually increased its support to CSOs in enlargement countries. Indeed, as a building block of good governance, CSOs play a key role in the enlargement process: not only they can help state actors to meet the accession criteria, but they can also act as watchdogs to guarantee transparency and accountability. In addition, thanks to educational and awareness-raising activities, they can stimulate a public debate about enlargement, thus increasing citizens' understanding in the process.

The aim of this research was to analyse Serbia's accession process concerning the adoption of the *environmental* *acquis* communautaire. Drawing on similar studies on CEECs, I have focused on the specific case of the implementation of the Birds and Habitats Directives and the establishment of the ecological network NATURA 2000 to understand what role CSOs play in the implementation of EU-related environmental norms.

In the first chapter, after providing a brief overview of the enlargement process, I have discussed the EU engagement in the WB from the end of the conflicts in the 1990s to the latest enlargement strategy adopted in February 2020. I have argued that despite its continuous commitment to enlargement, the EU has not been able to provide a clear accession perspective to the WB countries. The fact that fundamental democratic principles such as the rule of law, the independence of the judiciary and freedom of expression have increasingly been eroded in WB countries is an alarming sign that EU conditionality has not successfully led to the transition towards a democratic regime. In addition, the growing influence of other powers in the region, such as Russia and China, risks weakening even more the project of European integration. Subsequently, I focused on the specific case of the Serbia-EU relationship. European integration became one of the priorities of the hegemonic project promoted by the new Serbian political elite after the downfall of Milošević's regime in 2000. During the first years after the regime change, two major issues hindered Serbia's path towards European integration: collaboration with the ICTY on the one hand and normalisation of relations with Kosovo on the other. As I have explained in the first chapter, only when these issues were – partially – solved, accession negotiations could finally be opened. To introduce the role of CSOs in the enlargement process first, I have outlined the EU approach to CSO support in candidate countries, and then I have provided an insight into the development of the Serbian civil sector as part of the hegemonic project of European integration.

In the second chapter, I have introduced the EU environmental *acquis*, and I have described the evolution of EU environmental policy from a side-project to the core of European politics. In particular, I have focused on the sub-sector of biodiversity protection by analysing the Birds and Habitats Directives and the ecological network NATURA 2000. Drawing on the experiences of CEECs, mainly Hungary and Poland, I have discussed the role of environmental CSOs in the implementation of EU-related

nature protection policies, demonstrating that thanks to their expertise, advocacy and education activities, environmental CSOs have been able to become key actors in the adoption and implementation of the Nature Directives and have played a paramount role in fostering proper compliance by governmental actors.

Finally, in the third chapter, I have studied environmental CSOs in Serbia, and I have analysed their role regarding the implementation of the Nature Directives and the designation of the ecological network NATURA 2000. After reviewing the Serbian system for environmental governance from a legal and institutional point of view, I have presented the findings of a set of qualitative online interviews that I conducted between October and December 2020 with the representatives of some of the most influential ENGOs engaged in environmental governance and more specifically on the work on NATURA 2000.

Overall, the results of the interview demonstrate that the Serbian experience with the Nature Directives so far is very similar to that of CEECs. CSOs play a key role in the implementation of nature protection policies mostly because they provided expertise, technical knowledge and resources that national and local administrative bodies lack. Other tasks carried out by environmental CSOs include, on the one hand, educational and communication activities directed to the wider public aimed at raising awareness about the challenges deriving from the loss of biodiversity and, on the other hand, lobby and advocacy activities aimed at influencing the policy-making process. Similar to what happened in CEECs, to increase their leverage vis-à-vis public institutions, environmental CSOs have organised in national and regional networks; the participation in regional network such as ENV.net has been important in fostering the transfer of experiences and best practices from member states to candidate countries and has helped national and regional ENGOs to become influential at the EU level. Considering the type of activities promoted by the interviewed CSOs, it is safe to conclude that they are engaged in all the three macro-areas that I had identified, i.e., communication, advocacy and lobby and provision of expertise. Considering the five-level scale for participation, it appears that CSOs are mostly involved at the first and second level, i.e., the information and consultation levels. As I have discussed in the third chapter, although the institutional framework for civil society participation in environmental governance is formally in place, most CSOs representatives do not consider the level of civil society involvement

by state actors satisfactory: for them, public institutions consider civil society involvement as a «tick the box exercise», thus failing to take their insights and recommendations into consideration. To sum it up in the words of Natascha Wunsch (Wunsch 2019), environmental CSOs have achieved *procedural* but not *substantive* empowerment: the lack of a clear political will is the main obstacle to the creation of a conducive environment for civil society, which ultimately prevents CSOs to successfully influence policymaking processes. Although representatives of some major ENGOs share the impression that the environmental chapter is not a priority in the current EU enlargement agenda for the WB, they nevertheless agree that the process of European integration has strengthened their role in environmental governance and is still paramount to allow them to sit at the negotiation table.

Considering the standstill in which negotiations are currently locked and the increasing disillusionment of the Serbian population about EU accession, civil society can be the best partner for the EU to revitalise the accession process and demonstrate the mutual benefits that European integration would bring to Serbian and European citizens. This does not only refer to environmental protection but also to every aspect of negotiations and policy areas. As the EU and Serbia start to recover from the Covid-19 crisis, the support for a strong and active civil society is crucial: CSOs can indeed play a key role in the implementation of recovery plans and can act as watchdogs to monitor the correct use of the available funding. The EU should reinforce its approach towards civil society in enlarging countries by increasing the pressure on national governments to create a truly enabling environment to allow domestic civil society actors to perform their role as catalysts for good governance and democratic consolidation.

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List of interviewees

NGO representatives:

1. Bird Protection and Study Society of Serbia, Executive Director.
2. Environmental Ambassadors for Sustainable Development, President and Co-founder/honourable President.
3. Environmental Engineering Group, President.
4. EPTISA Southeast Europe, Project Team Leader “EU for NATURA 2000 in Serbia.”
5. European Environmental Bureau, Advisor for EU Neighbourhood Policies.
6. Punto.sud, Project Management “ENV.net network”.
7. WWF Adria, Policy Officer.
8. Young Researchers of Serbia, Policy and networking coordinator for the environmental sector.

Public officials:

9. Institute of Nature Conservation of Serbia, Ornithologist.
10. University of Belgrade, Assistant Professor.

Annexe 1: List of indicators

Level of environmental CSOs participation

	Description	Indicator(s)
Information	<p>Public authorities provide civil society with comprehensive information concerning the policy at stake.</p> <p>One way information flow: from public authorities to civil society.</p>	<p>Public authorities guarantee comprehensive access to key official documents.</p> <p>Public authorities publish and distribute informational materials such as fact-sheets or brochures or organise information and awareness-raising campaigns.</p> <p>Public authorities promote events such as public meetings, conferences to explain implications and opportunities connected to the policy area at stake.</p> <p>Public authorities resort to several channels to communicate relevant information (websites, social media, national media).</p>
Consultation	<p>Public authorities ask civil society for feedback and opinions on policy decisions and provide feedback to civil society on how a decision was influenced.</p>	<p>Public authorities organise public consultations, meetings, and hearings to collect stakeholders' opinions or resort to other means such as surveys or online questionnaires.</p>
Collaboration	<p>Public authorities partner with civil society to identify policy solutions and incorporate public recommendations into the decisions.</p>	<p>Public authorities invite civil society to public hearings during law drafting or other formal or informal meetings.</p> <p>Public authorities negotiate with civil society resulting in voluntary agreements and common statements.</p>
Empowerment	<p>Public authorities place decision-making and/or some implementation responsibilities in the hands of civil society.</p>	<p>Civil society is represented in governing bodies.</p> <p>CSOs are actively involved in the drafting of legislation.</p> <p>Public authorities delegate specific tasks to civil society organisations (e.g., part of implementation).</p> <p>Civil society provides technical support.</p>

Type of environmental CSOs activities

	Indicators
Communication	<p>CSOs organise information and awareness-raising campaigns.</p> <p>CSOs disseminate content online (social media, website, blogs, newsletter).</p> <p>CSOs disseminate promotional materials (brochures, fact-sheets).</p> <p>CSOs organise public events (workshop, discussions, seminars, activities in protected areas).</p> <p>CSOs organise education programmes on nature protection.</p>
Advocacy/Lobby	<p>CSOs participate in public hearings, consultations during law drafting.</p> <p>CSOs issue and send recommendations, opinions and comments on nature protection legislation (e.g., to the Committee for the Environmental Protection of the National Assembly of Serbia).</p> <p>CSOs contribute to the adoption of the negotiating position on Chapter 27 of the EU acquis.</p> <p>CSOs publish policy paper /policy analysis / strategic documents concerning nature protection.</p> <p>CSOs participate in national, regional, international/European networks for nature protection.</p>
Provision of expertise	<p>CSOs provide of technical support (e.g., during the mapping of potential protected areas).</p> <p>CSOs participate in expert seminars.</p> <p>CSOs prepare shadow reports/ lists of potential sites.</p> <p>CSOs provide scientific data.</p> <p>CSOs publish scientific research.</p> <p>CSOs implement Natura 2000 related projects (also in partnership with other entities).</p> <p>CSOs participate in implementing Multilateral Environmental Agreements on nature protection (e.g., Aarhus Convention, Convention on biological diversity).</p>